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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN ARMSTRONG, et al.,

Plaintiffs,

v.

GAVIN NEWSOM, et al.,

Defendants.

Case No. C94 2307 CW

**[REDACTED] REPLY
DECLARATION OF ELDON VAIL IN
SUPPORT OF PLAINTIFFS' MOTION
TO STOP DEFENDANTS FROM
ASSAULTING, ABUSING, AND
RETALIATING AGAINST PEOPLE
WITH DISABILITIES**

Judge: Hon. Claudia Wilken

Date: October 6, 2020

Time: 2:30 p.m.

Crtrm.: Remote

1 I, Eldon Vail, declare:

2 1. I am Plaintiffs' retained expert. I have personal knowledge of the facts set
3 forth herein, and if called as a witness, I could and would competently so testify. I make
4 this reply declaration in support of Plaintiffs' Motion to Stop Defendants from Assaulting,
5 Abusing, and Retaliating Against People With Disabilities.

6 **Assignment**

7 2. I prepared this declaration at the request of Plaintiffs' counsel. I have been
8 asked by Plaintiffs' counsel to offer my opinion on the following topics:

9 (a) Whether there is a systemic problem at multiple California
10 Department of Corrections and Rehabilitation (CDCR) prisons, including RJD, LAC,
11 COR, KVSP, CIW, SATF, and CCI, of staff misconduct against incarcerated people,
12 especially against incarcerated people with disabilities (including people with mental
13 illness) and other vulnerable incarcerated people.

14 (b) Whether the systemic problems with staff misconduct against
15 incarcerated people at CDCR prisons, if any, affect the ability of people with disabilities
16 (including people with mental illness) to request needed accommodations.

17 (c) Whether the systemic problems with staff misconduct against
18 incarcerated people at CDCR prisons, if any, affect the ability of people with disabilities
19 (including people with mental illness) to complain about staff misconduct, including staff
20 refusing to provide needed disability accommodations.

21 (d) What effects the systemic staff misconduct is having on the ability of
22 the CDCR to run its prisons and in particular meet the needs of people with disabilities and
23 those who are mentally ill.

24 (e) Whether the investigations conducted by CDCR into allegations of
25 staff misconduct at CDCR prisons have been adequate.

26 (f) Whether the *Armstrong* accountability order is working to address
27 staff misconduct against people with disabilities and mental illness.

28 (g) What steps should CDCR take to address systemic staff misconduct at

1 other facilities like the kind that has occurred at RJD?

2 **Summary of Qualifications**

3 3. I incorporate by reference my three previous declarations in this case. Since
4 I submitted my resume, I have not served as an expert in any cases other than those listed
5 on my resume.

6 **Bases for My Opinions**

7 4. I have written three previous declarations related to this case and reviewed a
8 variety of documents in my preparation for those declarations. Those materials are listed
9 in those declarations and I rely on them for this report as well.

10 5. For this declaration I have reviewed materials to include approximately 170
11 declarations from incarcerated people about their experiences at CDCR prisons.¹ I have
12 also reviewed the Defendants' expert declarations and the related exhibits of Mr. Cate,
13 Mr. Warner,² Mr. Baldwin and Mr. Macomber. A complete list of the materials I reviewed
14 is attached to this declaration as **Exhibit 1**.

15 6. I also rely on my own substantial experience as a correctional administrator,
16 including presiding over a statewide prison system for more than a decade, and my
17 knowledge of other prison systems that I have gained during my career in corrections and
18 as a consultant and expert witness.

19 7. I have previously performed work as an expert in litigation related to CDCR.
20 Working for Plaintiffs' counsel in 2013 and 2014 in the *Coleman v. Brown* case, I
21 inspected four CDCR prisons,³ 1 authored four declarations,⁴ and testified in trial
22

23 ¹ Some of the declarations include examples from more than one prison.

24 ² In Mr. Warner's declaration and according to a copy of his resume produced by
25 Defendants in anticipation of his deposition, he says he was the Secretary of the
26 Washington DOC beginning in 2010. I am certain I was the Secretary through the first six
27 months of 2011 with Mr. Warner being appointed as Acting Secretary in July 2011.

28 ³ Kern Valley State Prison; California State Prison, Corcoran; California State Prison, Los
Angeles County; San Quentin State Prison (twice).

⁴ Dkt. 4385, filed 3/14/13; Dkt. 4638-1, filed 05/29/13; Dkt. 4766-2, filed 8/23/13; Dkt.
5065-1, filed 02/12/14.

1 regarding use of force (UOF) against and disciplinary hearings for patients with mental
 2 illness on October 1, 2, 17 and 18, 2013. Working for Plaintiffs in the *Mitchell v. Cate*
 3 case in 2013 I inspected three other CDCR prisons⁵ and authored three declarations. In
 4 *Padilla v. Beard* I wrote a declaration in 2016 and testified at trial in April 2017. In
 5 *Sassman v. Brown* I wrote two declarations in 2014 and in *Robertson v. Struffert* I wrote a
 6 declaration in 2015. From these activities, I am familiar with the operation and culture of
 7 CDCR facilities.

8 **I. SUMMARY OF OPINIONS**

9 8. To date, I reviewed approximately 170 declarations spanning eight prisons
 10 and found that the problems identified in my previous declaration evident at RJD are
 11 widespread throughout CDCR and exist at other CDCR prisons including, LAC, COR,
 12 KVSP, CCI, CIW, SATF, and SAC. I reviewed fifty-four declarations filed in support of
 13 the RJD Motion, fifty-eight declarations filed in support of the Statewide Motion, three
 14 declarations filed in support of the Temporary Restraining Order, five declarations filed in
 15 support of the Preliminary Injunction, and fifty declarations that I understand Plaintiffs'
 16 counsel will file in support of the Statewide Reply. My opinions in this case are based on
 17 a review of these approximately 170 declarations, as well as associated medical records,
 18 custody records, and investigative reports, when such documents have been made available
 19 to me. The exhibits attached hereto were produced by Defendants in discovery in this case
 20 or as part of the depositions of Defendants' three expert witnesses.⁶

21 9. One thing is clear: CDCR is failing to accommodate people with disabilities
 22 resulting in unnecessary and excessive force incidents throughout these seven prisons.
 23 When people with disabilities complain, they are threatened with further misconduct, or
 24 worse, they are actually retaliated against, many of them for participation in this case.
 25 Investigations of staff misconduct that do move forward are incomplete and biased, and
 26

27 ⁵ Salinas Valley State Prison; California State Prison, Solano; High Desert State Prison

28 ⁶ I also attach medical records and other documents not produced by Defendants and
 shared with me by Plaintiffs' counsel, which I note when introducing the exhibits.

1 almost never result in disciplinary action of any kind. Of the cases I discuss in my report,
 2 nearly all of which had credible, ample evidence of misconduct before CDCR
 3 investigators, CDCR did not sustain findings of misconduct against any of the officers
 4 involved.⁷ I find the low rate of discipline and high number of incidents – especially
 5 violent incidents involving vulgar and unprofessional conduct on the part of officers –
 6 shocking. It may be only that a minority of officers were engaged in the violent and vulgar
 7 behavior, though in many cases here I saw evidence that it was actually more, but in a
 8 system every officer that failed to stop it should be held accountable. CDCR is failing to
 9 hold staff accountable. The result is that the violations of *Armstrong* class members’ rights
 10 continues, unchecked, that staff and incarcerated people know nothing will happen, that
 11 incarcerated people become afraid of staff, and that staff use the threat of and actual harm
 12 to keep people from reporting misconduct. The impact on people with disabilities is
 13 glaring – CDCR staff are failing to accommodate people with disabilities, people with
 14 disabilities are afraid or unable to speak up and get help in this environment, the behavior
 15 goes unchecked, and the cycle continues and worsens as the reality of the situation is
 16 witnessed by many.

17 10. The Court already found that people at RJD were being denied disability
 18 accommodations by staff at that prison. After reviewing evidence from multiple other
 19 prisons, I have no reason to believe that any CDCR prison is immune from the problems
 20 identified here. In fact, the attitudes that appear to pervade custody staff at these prisons—
 21 including an unwillingness to do the work required to accommodate people with
 22 disabilities, an apparent disdain for assisting incarcerated people with disabilities, a
 23 willingness to remain silent in the face of wrongdoing on the part of fellow officers—were
 24 evident when I toured four additional CDCR prisons in 2013 and 2014 in the *Coleman*
 25 case. It is my opinion that these problems will persist, resulting in further denials of

26 ⁷ One of these cases, involving [REDACTED] and discussed *infra* at ¶¶ 106-116, is still pending
 27 an OIA investigation. Mr. [REDACTED] allegations, discussed *infra* at ¶¶ 184-190, were
 28 investigated by OIA, and not a single allegation of misconduct was sustained against the
 officers involved.

1 accommodations for people with disabilities, if statewide changes are not made.

2 **A. Failure of Staff to Accommodate Disabilities Resulting in Unnecessary**
 3 **and Excessive Force**

4 11. As I found in my review of declarations submitted by class members
 5 regarding misconduct at RJD, there is a pattern and practice of physical violence against
 6 people with disabilities across CDCR. In many of the declarations I reviewed, I found that
 7 staff used force *because* of a class member's disability. In such cases, the nexus between
 8 the misconduct and disability was rooted in class members' requests for accommodation;
 9 when the declarants requested accommodations or help for their disabilities, these requests
 10 were met with violence by custody staff. One class member's nose was fractured by staff
 11 in an unnecessary use of force after the class member requested an accommodation for his
 12 mobility disability during a body search.⁸ Another class member was beat into
 13 unconsciousness after he requested to be allowed to use his wheelchair in his cell.⁹ One
 14 officer pushed a class member's walker while he was using it, and then, incited him to
 15 fight, telling him, "Motherfucker take that walker and put it over there and we can do this
 16 right now."¹⁰ Multiple class members report that staff used force against them after they
 17 reported they were feeling suicidal and requested to speak to a mental health
 18 professional.¹¹ These unnecessary and excessive uses of force, including closed fist
 19 punches and kicks to the face and the body and the use of pepper-spray against compliant
 20 and restrained prisoners with disabilities, too frequently resulted in hospitalizations,
 21 fractures, loss of consciousness, and the worsening of class members' pre-existing
 22 disabilities. The severity of the force and the seriousness of the resulting injuries to the
 23 class members is far beyond the norm found in other jurisdictions of which I am aware.

24
 25 ⁸ Declaration of [REDACTED]

26 ⁹ Declaration of [REDACTED]

27 ¹⁰ Declaration of [REDACTED] ¶ 11

28 ¹¹ aration of [REDACTED] aration of [REDACTED] Declaration of [REDACTED] Declaration of [REDACTED]
 [REDACTED] Declaration of [REDACTED]

1 The level of force used to cause such injuries in these incidents does not match the age,
 2 disability, or behavior of the class members in their conflicts with staff. The problems that
 3 plague these additional CDCR prisons are identical in kind and in scope to the ones I have
 4 identified at RJD, and I therefore conclude that class members across CDCR are being
 5 denied disability accommodations and being harmed by custody staff as a result.

6 **B. Verbal and Physical Abuse of Class Members as a Result of Their**
 7 **Disabilities is Widespread**

8 12. Across CDCR, the declarations describe a culture of discrimination against
 9 and neglect of people with disabilities among custody staff at multiple institutions. One
 10 class member with incontinence was denied toilet paper by staff, who told him to “use a
 11 sheet” to clean himself.¹² Staff routinely encourage people who are suicidal to harm
 12 themselves, telling them things like, “Go ahead, I wish you would [attempt suicide],” and,
 13 “We don’t give a fuck.”¹³ As a consequence, people with severe mental illness are not
 14 comfortable accessing mental health treatment or asking staff to help them when they are
 15 in crisis.¹⁴ Multiple class members report that staff members use racist and homophobic
 16 slurs against people with disabilities.¹⁵ Class members report that staff believe that people
 17 with mental illnesses are “faking their symptoms”¹⁶; one class member with a hearing
 18 disability was told by staff that “You’re not even deaf.” From my review of the
 19 declarations, it is clear that staff do not take seriously the needs of people with disabilities
 20 and worse have apparent disdain for them. This problem is widespread, deeply-rooted and
 21 generally recognized by incarcerated people with disabilities throughout CDCR.

22
 23 ¹² Declaration of [REDACTED] ¶ 12

24 ¹³ Declaration of [REDACTED] Declaration of [REDACTED] Declaration of [REDACTED]
 Declaration of Jonathan [REDACTED]

25 ¹⁴ [REDACTED] on of [REDACTED] ion of [REDACTED] De on of [REDACTED] Declaration of
 [REDACTED] Declaration of [REDACTED] Declaration of [REDACTED]

26 ¹⁵ laration of [REDACTED] n of [REDACTED] De on of [REDACTED] claration of
 27 [REDACTED] claration of [REDACTED] Declaration of [REDACTED] Declaration of [REDACTED] Declaration
 of [REDACTED]

28 ¹⁶ Declaration of [REDACTED] ¶ 30; Declaration of [REDACTED], ¶ 19

1 13. In many of the declarations I reviewed, class members described that they
 2 did not ask custody staff for help or accommodations because they were either afraid of
 3 being harmed in retaliation for making such a request, or they already knew that staff
 4 would deny them what they needed, no matter how badly they needed it.

5 **C. Class Members are Afraid of Staff and are Retaliated Against for**
 6 **Complaining About Staff Misconduct**

7 14. The declarations paint a picture of widespread fear of custody staff, the very
 8 staff members who have sworn to protect incarcerated people and who must be relied on to
 9 provide disability accommodations. Class members report fear of requesting disability
 10 accommodations in many cases¹⁷ and, when disability accommodations are requested and
 11 denied, class members report rampant retaliation if they report officer misconduct.¹⁸ I
 12 found this problem exists at multiple prisons and extends far beyond RJD.

13 15. Defendants' three experts all declare that there is no indication that class
 14 members are unable to request accommodations or access the grievance system to address
 15 their disability-related needs. These three experts miss the point. Class members are not
 16 alleging they do not have access to forms or do not know where to place complaints. The
 17 declarations describe very consistent and widespread reports of class members at multiple
 18 CDCR prisons not requesting basic accommodations out of fear of staff's response. Class
 19 members report that they are afraid to tell custody staff when they are suicidal, for fear that
 20 they will be mocked or ignored, or even worse, suffer physical abuse in response to
 21 reporting suicidality.¹⁹ Multiple class members report that, after being assaulted for
 22 requesting help from custody staff, they are too afraid to even leave their cells. The
 23 evidence available in this case overwhelmingly indicates that people with disabilities

24 ¹⁷ Declaration of [REDACTED] Declaration of [REDACTED] Declaration of [REDACTED] Declaration of [REDACTED]
 25 [REDACTED] Declaration of [REDACTED] Declaration of [REDACTED] Declaration of [REDACTED]

26 ¹⁸ Declaration of [REDACTED] Declaration of [REDACTED] Declaration of [REDACTED] Declaration of [REDACTED]
 27 Declaration of [REDACTED] Declaration of [REDACTED] Declaration of [REDACTED] Declaration of [REDACTED]
 28 Declaration of [REDACTED] Declaration of [REDACTED] Declaration of [REDACTED] Declaration of [REDACTED]

¹⁹ Declaration of [REDACTED] Declaration of [REDACTED] Declaration of [REDACTED] Declaration of [REDACTED]
 Declaration of [REDACTED] Declaration of [REDACTED] Declaration of [REDACTED] Declaration of [REDACTED]

1 cannot safely or comfortably ask for accommodations or assistance from custody staff
2 because of the culture of terror and intimidation created by custody staff across CDCR.

3 16. Even if it were only true that incarcerated people with disabilities perceive
4 staff as a barrier to receiving disability accommodations, the result is people with
5 disabilities who are afraid to speak up and are less likely to ask for help or request
6 accommodations from staff. An environment where people with disabilities have no outlet
7 to safely request accommodations and no means to speak up is harmful to people with
8 disabilities, whether actual or perceived. I have every reason to conclude, based on my
9 review of evidence, the fear, the harm, the violence against people with disabilities who
10 request accommodations, is actually happening throughout CDCR. The perception must
11 come from somewhere.

12 17. Relatedly, the practice of staff members recruiting some incarcerated people
13 to assault others, as was found at RJD, is also a pattern at other CDCR institutions and
14 evidences serious problems with staff culture across the system. In these cases,
15 incarcerated people are designated by staff as “enforcers”—that is, they are delegated the
16 authority of the staff, in this case to assault their incarcerated peers. In my review, it
17 appeared that staff directed their enforcers to assault or steal the property of incarcerated
18 people with disabilities who displayed symptoms of severe mental illness.²⁰ From the
19 incidents I reviewed, people with disabilities were many times the target of these staff-
20 orchestrated assaults, and in most cases, these assaults were carried out solely because of a
21 person’s disability. It is disgusting that this practice, directed at some of the most
22 vulnerable people incarcerated in prison, appears to be widespread across CDCR, with
23 examples from RJD, LAC, COR, and KVSP.

24
25
26
27 ²⁰ at f [REDACTED] Declara [REDACTED] Declaration [REDACTED] Declaration of
[REDACTED] Decla of [REDACTED] Declaration of [REDACTED] Declaration of
28 [REDACTED] Declaration of [REDACTED]

D. Investigations and Tracking of Investigations are Inadequate and Allegations are Deemed “Unsustained” Even When There is an Abundance of Corroborating Evidence

18. In my review, I looked at the evidence submitted by Defendants to rebut the class member declarations, which includes investigative reports, incident reports, and other custody documentation. I also reviewed additional materials shared with me by Plaintiffs’ counsel that Defendants produced in discovery, including the full incident package for incidents described in the declarations, additional investigative documents created by CDCR investigators, and medical records.

19. Investigations into allegations of misconduct at prisons across CDCR are shockingly incompetent and biased against incarcerated people. Investigations are not conducted timely.²¹ Investigators commonly fail to interview critical witnesses, including victims of uses of force.²² When investigators do interview incarcerated witnesses, they find them to be “not credible” on the basis of minor inconsistencies.²³ On the other hand, investigators uncritically adopt the officers’ version of events, giving them every benefit of the doubt even when their statements or reports are either: (a) internally inconsistent or (b) in conflict with other established, material facts. Even when officers’ incident reports are obviously contradictory, or when the use of force reported clearly does not explain the victim’s injuries, CDCR investigators missed these investigative red-flags, did not follow up on them, and concluded that the allegations against officers were meritless.²⁴

20. The result is that investigations at CDCR achieve only one purpose: to exonerate staff and call in to question the entire system for holding staff accountable. CDCR concluded that the allegations raised by class members were without merit *in every*

²¹ See, e.g. discussion of [REDACTED] Decl., *infra* at ¶¶ 133-135

²² See, e.g. discussion of [REDACTED] Decl., *infra* at ¶¶ 80-99; discussion of [REDACTED] Decl., *infra* at ¶¶ 39-48

²³ See, e.g., discussion of [REDACTED] Decl., *infra* at ¶¶ 142-151

²⁴ See, e.g., discussion of [REDACTED] Decl., *infra* at ¶¶ 31-38; discussion of [REDACTED] Decl., *infra* at ¶¶ 39-48; discussion of [REDACTED] cl., *infra* at ¶¶ 142-151; discussion of [REDACTED] Decl., *infra* at ¶¶ 80-99; discussion of [REDACTED] Decl., *infra* at ¶¶ 72-79

1 *single case I reviewed*, despite credible corroborating evidence. In my opinion staff
 2 misconduct impacting people with disabilities will not be resolved until staff members are
 3 held accountable.

4 **E. CDCR is Failing to Hold Staff Accountable for Misconduct at Multiple**
 5 **Prisons**

6 21. In my review, I identified multiple cases where ample evidence existed to
 7 conclude that there was a reasonable belief that misconduct occurred. As I mentioned
 8 above, for the cases I discuss in this report, not a single staff member was held accountable
 9 for harming people with disabilities. My understanding from Plaintiffs' counsel is that
 10 only one officer has been terminated at LAC since 2017. I find this number astonishingly
 11 low. Based on my review of the declarations and the evidence below, I found credible
 12 evidence of misconduct in multiple cases at LAC. This total lack of accountability is
 13 shocking, especially in light of the seriousness of the allegations involved and the evidence
 14 I reviewed. It is my belief that a systemic failure regarding the investigation and
 15 disciplinary process is occurring in CDCR when, as was the case with RJD, virtually no
 16 cases of serious misconduct result in officer discipline.

17 **F. The Findings of Guilt and Subsequent Sanctions Received by Class**
 18 **Members for RVRs (Rule Violation Reports) Stemming from Alleged**
Excessive Force are Suspect and Should be Reviewed.

19 22. In my review of multiple declarations, a similar pattern emerged: the reports
 20 used by CDCR to justify the issuance of RVRs against people with disabilities are often
 21 riddled with inconsistencies and discrepancies that go unexplained. The RVR process
 22 itself is a kangaroo court: class members are routinely denied the ability to call witnesses,
 23 question officers, or present other meaningful evidence in their defense. In one shocking
 24 case, a Senior Hearing Officer falsified paperwork that an incarcerated person had refused
 25 to attend his RVR hearing when, in fact, the incarcerated person was not even housed at
 26 the institution when his RVR was heard!²⁵ Although this due process violation was
 27

28 ²⁵ See, e.g. discussion of [REDACTED] Decl., *infra* at ¶¶ 49-60

ultimately corrected, it does not appear that the Hearing Officer was investigated or disciplined for his misconduct.

23. Essentially, the only evidence considered in determining whether a person is guilty of an RVR or not are the reports of officers. But, for virtually all of the incidents I reviewed, the reports of officers are in tension with other available evidence for the incident, including the statements of victims, witnesses, and the available medical records. These pieces of evidence are not considered during the RVR process, and class members are summarily found guilty of the misconduct with which they are charged.

24. In the case of the class member who was the subject of Plaintiffs' Preliminary Injunction request, Mr. [REDACTED] was not even allowed at his RVR hearing to present the Court's order finding that he had been retaliated against and that the officers' version of events was not credible.²⁶ Hearing officers state that, when the incarcerated person's account of events differs from an officer, that they have to side with staff.²⁷ When class members complain about problems with the culture among staff, including the denial of accommodations, staff threaten them with RVRs, and commonly follow through on that threat.²⁸ Worst of all, the issuance of RVR can make it impossible for class members to succeed in parole hearings. Because RVRs carry such severe and adverse due process consequences, and I found evidence that multiple RVRs were suspect, I believe that RVRs issued to declarants after use of force incidents must be reviewed by a third-party to ensure that they are heard in a fair and impartial manner.

II. DEFENDANTS' EVIDENCE FAILS TO REBUT THE CLASS MEMBER DECLARATIONS

25. Defendants' Opposition to the Statewide Motion includes evidence from

²⁶ Grunfeld New Material Reply Decl., Dkt. 3051-5, ¶ 19

²⁷ Declaration of [REDACTED] ¶ 15; Declaration of [REDACTED] ¶¶ 30-32; Declaration of [REDACTED] ¶ 27

²⁸ Declaration of [REDACTED] ¶¶ [REDACTED] Declaration of [REDACTED] ¶¶ 30-32; Declaration of [REDACTED] ¶¶ 10, 15, 17; Declaration of [REDACTED] ¶¶ 9-12, 27; Supplemental Declaration of [REDACTED] ¶¶ 7-21, 26; Declaration of [REDACTED] ¶¶ 8-14, 20; Declaration of [REDACTED] ¶¶ 9-11, 23

1 officers and investigators in the form of sworn declarations and incident reports. In
 2 reviewing the declarations submitted by Plaintiffs in support of the Statewide Motion, I
 3 also reviewed the evidence Defendants filed to rebut these declarations.

4 26. Defendants fail to rebut Plaintiffs' evidence. It is abundantly clear that
 5 CDCR staff are failing to accommodate people with disabilities. Defendants' blanket
 6 assertions that the incidents described in the class member declarations held no clear nexus
 7 to disabilities only shows that the lack of understanding regarding disability
 8 accommodations runs deep. These are not cases where a staff member is coming forward
 9 and exclaiming that they are attacking someone because they are in a wheelchair, though
 10 some cases come close to that. Instead, for example, these are cases where someone who
 11 is in a wheelchair and undergoing chemotherapy asks to be housed closer to the medication
 12 line because he is having difficulty walking.²⁹ When staff ignore his reasonable request,
 13 mock his illness and hair loss, and order him back to his cell, he apparently refuses the
 14 order resulting in a force incident where he is injured. It defies logic how Defendants and
 15 Defendants' expert can claim that this case is not disability related. Defendants' expert
 16 Mr. Cate misses the point entirely when he states, "In fact, no witness states that the
 17 dispute or the use of force was about the wheelchair or had anything to do with Mr. [REDACTED]
 18 use of the wheelchair."³⁰ This force incident, as is true in the majority of cases here,
 19 hinges on Mr. [REDACTED] request for a disability accommodation to be moved – not on his
 20 wheelchair. The same is true when, as is the situation in multiple cases I reviewed, staff
 21 fail to give people with disabilities and serious mental illness time to cool down and
 22 comply with orders before resorting to force. The Court specifically found that staff
 23 members at RJD were failing to accommodate the disability needs of class members
 24 during such encounters at that prison and it is my opinion that the same is true at multiple
 25 other CDCR prisons. There is overwhelming evidence here that class member disabilities,

26 _____
 27 ²⁹ See discussion of [REDACTED] Decl., *infra* at ¶¶ 61-63

28 ³⁰ Expert Declaration of Cate in Support of Defendants' Opposition ("Cate Decl."), Dkt.
 3083-5, ¶ 68

1 and Defendants' failure to accommodate those disabilities, is at the heart of the abuse.
2 Defendants fail to rebut that evidence.

3 27. Defendants' evidence also fails to conclusively establish that the misconduct
4 described in any of the declarations did not occur. In other words, the evidence that
5 Defendants offer in some cases creates at best a "he-said-he-said" situation where it is
6 impossible to know, out of two alternative and inconsistent explanations, which occurred.
7 At worst Defendants' evidence demonstrates a blatant disregard for facts that support the
8 allegations submitted by Plaintiffs' counsel.

9 28. Many of the declarations I reviewed were uncontested by Defendants. For
10 those declarations that were contested, Defendants provided an incomplete and therefore
11 misleading account of events (for example, in multiple cases Defendants submitted only
12 one incident report for an incident involving multiple officers and which contained
13 multiple reports). I reviewed all available evidence, including incident reports,
14 investigations, appeals, and medical records, associated with these cases. I found evidence
15 in many cases that undermines the officer statements and bolsters the credibility of the
16 declarant's account of events. In each of these cases this evidence was overlooked or
17 intentionally ignored by CDCR investigators, experts and counsel.

18 29. The incidents I reviewed for this declaration are deeply disturbing and reveal
19 the prevalence of Defendants' failure to accommodate class members resulting in
20 unnecessary and excessive UOF at multiple CDCR prisons, including, as was the case at
21 RJD, numerous examples of officers inappropriately using punches and kicks to subdue
22 and apparently inflict corporal punishment on the incarcerated population, and in particular
23 people with disabilities.

24 30. To quote use of force expert Steve Martin,

25 In other words, if a self-defense tactic such as non-blunt force can effectively
26 neutralize a disruptive prisoner, it is not appropriate to strike the prisoner
27 with blunt force to the head, especially when such strikes often do not
28 actually neutralize the aggressing inmate. In fact, such tactics often create a
purely retaliatory cycle of violence in which both the officer and prisoner

1 sustain injuries and the degree of injuries sustained is more serious.³¹

2 31. Mr. [REDACTED] is a *Coleman* class member. He is not assigned a code but is an
 3 *Armstrong* class member in that he has a mobility disability and uses a cane to get around,
 4 has a mobility vest and requires a left knee brace, orthotic shoes and a right ankle foot
 5 orthotic.³² He also has a seizure disorder that requires him to wear a medically prescribed
 6 helmet to protect his head.³³ On November 26, 2018, Mr. [REDACTED] became suicidal upon
 7 being transferred to LAC and was moved to a suicide watch cell.³⁴ That night, Officer
 8 [REDACTED] entered his cell and Mr. [REDACTED] observed Officer [REDACTED] take his cane and
 9 personal property out of his cell.³⁵ After being discharged from suicide watch, Mr. [REDACTED]
 10 was housed on B-yard without any of his DME or assistive devices. Eventually,
 11 Mr. [REDACTED] became unable to walk due to his mobility disability.³⁶ On December 1, 2018,
 12 after being told nothing could be done for him at the medical clinic and he should be
 13 returned to his living unit, he requested help from custody staff because he was unable to
 14 walk. An officer ordered him to get down on the ground, and he complied. After being
 15 evaluated by nurses again, they told custody staff to return Mr. [REDACTED] back to his housing
 16 unit.³⁷ Mr. [REDACTED] could not pick himself up to get in his wheelchair because of his
 17 disability. Six to seven officers then proceeded to attempt to force him into the
 18 wheelchair. When that failed, they punched him repeatedly in the head and back, and
 19 jabbed their knees into his back. One custody officer grabbed onto Mr. [REDACTED] ankles, as
 20 if to drag him, so Mr. [REDACTED] grabbed ahold of the chain link fence.³⁸ Mr. [REDACTED]

21
 22 ³¹ Staff Use of Force in United State Confinement Settings, Steve J. Martin, Journal of
 23 Law & Policy Volume 22:145, page 3

24 ³² Declaration of [REDACTED] ¶ 3

25 ³³ *Ibid.*, ¶ 6

26 ³⁴ *Ibid.*, ¶¶ 11-12

27 ³⁵ *Ibid.*, ¶¶ 13-14

28 ³⁶ *Ibid.*, ¶¶ 18-19

³⁷ *Ibid.*, ¶¶ 20-21

³⁸ *Ibid.*, ¶ 22

1 eventually passed out from the trauma and was medically evaluated and treated thereafter.
 2 He reports officers laughing because while they were attempting to force him into the
 3 wheelchair his pants fell down and his penis slipped out.³⁹ He received an RVR for
 4 “resisting staff”⁴⁰ even though he could not comply with officers’ orders to get off the
 5 ground and into his wheelchair because of his disability.

6 32. It is obvious that this incident stemmed from staff’s failure to accommodate
 7 Mr. [REDACTED] disability. Mr. [REDACTED] was assaulted after asking for help because his
 8 mobility disability rendered him unable to pick himself up. When officers ordered him to
 9 get into his wheelchair, and he expressed that he was unable to do so because of his
 10 disability, they used immediate force against him without any justification at all. This
 11 force was the direct result of staff member’s failure to accommodate Mr. [REDACTED]
 12 disability. He presented no imminent threat. Defendant’s review of this event simply
 13 adopted staff’s accounting of the incident, without any further investigation or even critical
 14 reflection on staff reports.

15 33. In opposition, Defendants submit the Declaration of [REDACTED].⁴¹
 16 Sergeant [REDACTED] declares that he investigated Mr. [REDACTED] allegations and found them
 17 to be without merit. Sergeant [REDACTED] two-page long investigation was completely
 18 incompetent.⁴² It hinged solely on the fact that no officer named [REDACTED] worked at
 19 LAC during the date of the alleged incident, and therefore, Mr. [REDACTED] allegation could
 20 not be substantiated. Sergeant [REDACTED] interviewed a male Officer [REDACTED] who
 21 denied the allegation. Sergeant [REDACTED] did not determine whether Officer [REDACTED]
 22 was the only officer with the last name “[REDACTED]” assigned to the facility during the date
 23 in question. For all we know, there could have been many more [REDACTED] that Sergeant
 24 [REDACTED] neglected to interview. Sergeant [REDACTED] also did not attempt to determine

25
 26 ³⁹ *Ibid.*, ¶¶ 23-26

⁴⁰ *Ibid.*, ¶ 29

27 ⁴¹ Declaration of [REDACTED] in Support of Defendants’ Opposition, Dkt. 3083-1

28 ⁴² *Ibid.*, Ex. A

1 whether other officers with similar names, like ██████ were assigned to the facility.
 2 Instead, Sergeant ██████ interviewed a random Officer ██████ whose gender did not
 3 match that alleged by Mr. ██████ and concluded his inquiry.

4 34. Defendants also filed a second declaration, the Declaration of ██████,⁴³
 5 about the December 1, 2018 event. Officer ██████ authenticates his own incident report,
 6 which states that Mr. ██████ fell to the ground before standing into his wheelchair without
 7 aid.⁴⁴ As officers began wheeling him away, Officer ██████ reports that Mr. ██████ threw
 8 himself to the ground and began resisting staffs' orders to submit to restraints. A scuffle
 9 on the ground ensued as Mr. ██████ continued to resist. Because of the scuffle, Officer
 10 ██████ reported that he could not observe which officers used force against Mr. ██████ nor
 11 the type or degree of force used.

12 35. A review of the incident reports of the December 1, 2018 incident reveals a
 13 number of discrepancies. The incident reports of Officer ██████ and Officer ██████ are
 14 near verbatim in places, raising the possibility that there was collusion in the preparation of
 15 these incident reports. ██████ "Responding staff arrived to the incident with a wheel chair
 16 [sic] and Inmate ██████ was able to stand and sit into the wheel chair [sic]..."⁴⁵; ██████
 17 "Responding staff arrived to the incident with a wheel chair [sic] and Inmate ██████ was
 18 able to stand up and sit in the chair..."⁴⁶ Similarly, Officers ██████ and ██████
 19 all describe Mr. ██████ allegedly throwing himself from the chair in near-verbatim terms.
 20 ██████ : "...Inmate ██████ threw himself out of the wheel chair [sic] and fall onto the
 21 ground..."⁴⁷; ██████ "█████ immediately threw himself out of the wheelchair and
 22 fell on the ground."⁴⁸; and ██████ "█████ immediately threw himself out of the wheel
 23

24 ⁴³ Declaration of ██████ in Support of Defendants' Opposition, Dkt.3081-1

25 ⁴⁴ *Ibid.*, Ex. A

26 ⁴⁵ *Ibid.*

27 ⁴⁶ See **Exhibit A**, at DOJ-LAC00017812

28 ⁴⁷ *Ibid.*, at DOJ-LAC00017806

⁴⁸ *Ibid.*, at DOJ-LAC00017808

1 chair [sic] and fell onto the ground.”⁴⁹ Four incident reports describe the fence on which
 2 Mr. [REDACTED] latched on as a “center chain link fence.”⁵⁰ Three reports spell wheelchair as
 3 “wheel chair.”⁵¹ I find the similarities in the language used in these reports suspect and
 4 lacking the candor I would expect from officer reports which should differ slightly in non-
 5 material ways such as the description of the fence.

6 36. LAC’s inquiry into the December 1, 2018 incident is plagued with
 7 deficiencies. Investigators first interviewed four incarcerated people, all of whom reported
 8 that they were not in the vicinity of the incident.⁵² When conducting an allegation inquiry,
 9 investigators did not make any additional attempts to identify and interview witnesses who
 10 had been in the vicinity of the incident.⁵³ Moreover, the investigator claims that, in his
 11 interview, “[REDACTED] acknowledges he purposely fell out of the wheelchair and was resisting
 12 staff.”⁵⁴ This is a gross mischaracterization of Mr. [REDACTED] allegations and statements
 13 during the video-recorded interview.⁵⁵ When Mr. [REDACTED] stated that he was resisting, he
 14 was referring to grabbing onto the chain-link fence to avoid being dragged through the dirt
 15 by custody staff.⁵⁶ At no point does Mr. [REDACTED] admit that he was resisting in the sense
 16 alleged by the officers. He also explained in his declaration that he got out of his
 17 wheelchair at the direction of staff, who told him to get on the floor in order to get medical
 18 attention; at no point does he claim that he “threw himself” out of his wheelchair, as
 19 officers claim.⁵⁷ The way that the investigator twisted Mr. [REDACTED] statements reflects the
 20 obvious bias in the investigation into his allegations and further evidences that the purpose
 21

22 ⁴⁹ *Ibid.*, at DOJ-LAC00017804

23 ⁵⁰ *Ibid.*, at DOJ-LAC00017804-11

24 ⁵¹ *Ibid.*, at DOJ-LAC00017804-14

25 ⁵² See **Exhibit B**

26 ⁵³ See **Exhibit C**

27 ⁵⁴ Ex. C, at DOJ-LAC00017833

28 ⁵⁵ See **Exhibit D**

⁵⁶ *Ibid.*; see also Declaration of [REDACTED] ¶ 22

⁵⁷ See Ex. D; see also Declaration of [REDACTED] ¶ 21

1 of the staff misconduct investigation is to exonerate staff, even if that means distorting the
2 facts.

3 37. No attention is paid to the glaring inconsistency in the officers' reports: if, at
4 the time of the incident, Mr. [REDACTED] was rendered unable to walk and in need of a
5 wheelchair for escort by staff, how could he have had the strength needed to throw himself
6 out of the wheelchair? This question, as well as the question of whether force was used
7 against Mr. [REDACTED] after he requested help because he was unable to walk, is entirely
8 omitted from LAC's investigation. The discrepancies in the officers' incident reports and
9 the thorough investigative failures in this case are reminiscent of the [REDACTED] case at RJD,
10 where staff falsely claimed that Mr. [REDACTED] threw himself out of his walker, but were later
11 shown on video surveillance to have used force to yank Mr. [REDACTED] out of his walker.⁵⁸
12 Had there been video footage available in this incident involving Mr. [REDACTED] it is certain
13 there would be more clarity about what actually took place.

14 38. It is obvious that this incident stemmed from staff's failure to accommodate
15 Mr. [REDACTED] disability. Mr. [REDACTED] was assaulted for asking for help because his mobility
16 disability rendered him unable to pick himself up. When officers ordered him to get into
17 his wheelchair, and he expressed that he was unable to do so because of his disability, they
18 used force against him without any justification at all. Defendant's review of this event
19 simply adopted staff's accounting of the incident, without any further investigation or even
20 critical reflection on staff reports. This incident is therefore a clear example of staff's
21 refusal to accommodate people with disabilities, as well as CDCR's incompetence in
22 investigating corroborated allegations of staff misconduct and failure to hold staff
23 accountable.

24 39. Mr. [REDACTED] is an *Armstrong* and a *Coleman* class member at the EOP level of
25 care. He wears hearing aids. His use of force experience at SATF clearly illustrates the
26 value of officers wearing body cameras. On April 4, 2020, his hearing aids were broken

27 ⁵⁸ Reply Declaration of Vail in Support of RJD Motion ("Vail RJD Reply Decl."), Dkt.
28 3024-3, ¶¶ 57 & 58

1 and he reports he could not hear what the officers were saying when they approached his
2 cell. His cell door was opened and, when he was ordered to exit his cell, he did not. He
3 reports that he backed away from his cell door and took off his glasses so he could try and
4 read the lips of the officers, hoping for an explanation as to why he was being ordered to
5 vacate his cell. Officer [REDACTED] took out his pepper spray and Mr. [REDACTED] asked to speak
6 with a sergeant. The officer went ahead and sprayed him, dragged him out of the cell and
7 threw him to the ground. He alleges that officers also punched him in the back. Mr. [REDACTED]
8 identified an incarcerated person who witnessed these events. Mr. [REDACTED] was placed in
9 segregation where he attempted suicide by swallowing some batteries and Tylenol and was
10 then sent to an outside hospital for emergency treatment. He reports that the first time he
11 learned why the officers had opened his cell door was during an interview with a lieutenant
12 after he returned from the hospital.⁵⁹ It is likely this incident could have been avoided if
13 the officers took into consideration Mr. [REDACTED] disabilities, that he needed a minute to
14 remove his glasses so he could read their lips, that he was attempting to effectively
15 communicate and anticipated a response to his question about why he was being ordered
16 out of his cell, that he was a mentally ill class member with an anti-social personality
17 disorder who was reluctant to vacate the cell because he was distraught, a day after
18 learning of the illness of family member, and expecting to hear news of her death from the
19 officers. If these factors were considered, and Mr. [REDACTED] disabilities had been
20 accommodated by the officers slowing down and effectively communicating their reason
21 for being there, I believe this situation and the harm that came to Mr. [REDACTED] as a result of
22 the force used in this case, including physical injuries, a suicide attempt, decompensation,
23 and the receipt of an RVR, could have been entirely avoided. What occurred here is
24 directly related to the failure of staff to accommodate Mr. [REDACTED] disabilities.

25 40. The officers' description of what happened is very different. They report
26 that they believe Mr. [REDACTED] did understand what they were saying—they were going to
27

28 ⁵⁹ Declaration of [REDACTED] ¶¶ 7-12

[3618027.3]

1 search his cell. Instead of backing away from the cell door, the officers' report that
 2 Mr. [REDACTED] stood in his cell doorway and began to open and close his fists. The officers say
 3 they then instructed the control booth officer to close the cell door but Mr. [REDACTED] advanced
 4 towards them with clenched fists. This resulted in him being sprayed and being physically
 5 removed from his cell.⁶⁰

6 41. This is a case of he said/he said. If the officers were required to wear body
 7 cameras exactly what happened during this confrontation would be known.

8 42. Mr. [REDACTED] received an RVR over this incident and points out that the incident
 9 report filed on the day of the incident does not align with the language of the RVR, which
 10 was written later. He then says,

11 I tried to raise that inconsistency during my RVR hearing but, the Hearing
 12 Officer stated that he didn't care and that he was going to rely on the
 officers' statements in finding me guilty.⁶¹

13 43. Also of significance, three incarcerated persons were interviewed as part of
 14 the RVR hearing.⁶² One of the three had "no comment" but the other two reported
 15 information consistent with Mr. [REDACTED] version of events. Both of them testified that
 16 Mr. [REDACTED] said to the officers that he posed no threat and one of them heard him say
 17 therefore they could not spray him.⁶³ This is significant because it supports Mr. [REDACTED]
 18 account of events in that he was just attempting to effectively communicate with the
 19 officers and understand what was going on. Further, the officers say he was sprayed as he
 20 was advancing towards them creating the need for immediate force. If that were the case
 21 there would not have been time for Mr. [REDACTED] to say he posed no threat. Both witnesses
 22 also say they heard Mr. [REDACTED] ask to speak to a Sergeant. One of them says he did not see
 23 Mr. [REDACTED] acting hostile towards the officers but that he saw Mr. [REDACTED] being sprayed.⁶⁴

24
 25 ⁶⁰ Declaration of [REDACTED] in Support of Defendants' Opposition, Dkt. 3080, ¶ 3

26 ⁶¹ Declaration of [REDACTED] ¶ 15

27 ⁶² Declaration of [REDACTED] In Support of Defendants' Opposition, Dkt. 3080, at 20-21

28 ⁶³ *Ibid.*

⁶⁴ *Ibid.*

1 This testimony directly contradicts what the officers reported but was not considered in the
 2 RVR hearing findings. This testimony clearly supports Mr. [REDACTED] version of events and
 3 makes clear that he was simply attempting to effectively communicate with staff and
 4 understand what was happening to him.

5 44. This evidence also directly conflicts with a statement made in the IERC
 6 Incident Package which states, regarding interviews of the exact same inmate witnesses,
 7 that their statements corroborate staff reports.⁶⁵ The IERC failed to identify the prior
 8 witness accounts of what occurred. Evidence that Mr. [REDACTED] was not acting hostile and
 9 that he asked to speak to a sergeant would be material to the outcome of whether the force
 10 was excessive and thus calls into question the IERC conclusion. The witness statements
 11 section of the RVR was dated April 14, 2020 and thus should have been discovered during
 12 the IERC review which received the second level management review on April 21, 2020
 13 and which was signed by the committee chair on May 22, 2020.⁶⁶

14 45. This significant evidence that is overlooked by Defendants in investigating
 15 this incident also contradicts and completely undermines their expert, Mr. Warner's,
 16 comments about Mr. [REDACTED] regarding this incident. He says, "There were no contrary
 17 reports by other inmates..."⁶⁷ In my opinion there was testimony from two incarcerated
 18 people that did exactly that and Mr. Warner is simply wrong. As I articulated in my first
 19 declaration to the Court in this case, the staff at RJD failed to consider the testimony of
 20 incarcerated people in RVR hearings or investigations.⁶⁸ That practice is concerning and I
 21 find widespread evidence in Mr. [REDACTED] case and others that I reviewed for this report that
 22 bias against incarcerated witnesses occurs at other CDCR prisons as well. I have no reason
 23 to believe this problem is not pervasive statewide.

24
 25 ⁶⁵ See **Exhibit E**, at 1

26 ⁶⁶ *Ibid.*

27 ⁶⁷ Expert Declaration of Warner in Support of Defendants' Opposition ("Warner Decl."),
 Dkt 3083-6, ¶ 26

28 ⁶⁸ Declaration of Vail in Support of RJD Motion ("Vail RJD Decl."), Dkt. , ¶¶ 68-72

1 46. Defendants also attempt to attack Mr. [REDACTED] credibility claiming that in his
 2 declaration he stated that he did not hear the officers, but he provided a contradictory
 3 account in his related grievance.⁶⁹ That is simply false. Mr. [REDACTED] states in his declaration
 4 that, because his hearing aids were broken, he did not hear the officers approach his cell.⁷⁰
 5 He next states that they opened his cell and ordered him out. He does not claim that he did
 6 not hear them order him out, as Defendants attempt to mischaracterize his declaration.
 7 Instead he states that he did not know why they were ordering him out and, because his
 8 hearing aids were broken, he removed his glasses to read their lips.⁷¹ That's when
 9 excessive force was used against him. Defendants' failed attempt to discredit Mr. [REDACTED]
 10 evidences sloppiness, at best, bad faith, at worst.

11 47. I would note that this is not the first time Mr. [REDACTED] reports abuse at the
 12 hands of CDCR officers. On May 8, 2017 at SVSP there was a fight in the yard.
 13 Mr. [REDACTED] took a seat on the ground as ordered. An officer then threw a pepper spray
 14 grenade in the opposite direction of the fight towards a group of African Americans who
 15 were on the ground, including Mr. [REDACTED] and the grenade landed in Mr. [REDACTED] lap,
 16 causing him pain and burning. He also reports that the embarrassing impact of this
 17 incident led to erectile dysfunction and this fact was inappropriately shared with an officer
 18 who stated it in front of another incarcerated person.⁷²

19 48. In another incident on January 11, 2019, while in a mental health group at
 20 SVSP, another incarcerated person attacked Mr. [REDACTED] Mr. [REDACTED] was in segregation at the
 21 time and so all incarcerated persons are routinely allowed to participate but only in
 22 restraints with leg restraints hooked to their chairs. Inexplicably, an officer unhooked the
 23 leg restraints from the chair of another incarcerated person and that person then attacked
 24 _____

25 ⁶⁹ Defendants' Opposition to Statewide Motion ("Defs' Statewide Opposition"), Dkt.
 3082, at 5

26 ⁷⁰ Declaration of [REDACTED] ¶ 7

27 ⁷¹ *Ibid.*

28 ⁷² [REDACTED] ry 23, 2018 letter from Plaintiffs, "Armstrong Advocacy Letter – [REDACTED] [REDACTED]"

1 Mr. [REDACTED] and the officers present were very slow to respond to the assault. Later,
 2 Mr. [REDACTED] fainted and was taken on a gurney for medical care. Mr. [REDACTED] told mental
 3 health staff that he believed this assault was retaliation for 602's that he had previously
 4 filed.⁷³ These additional incidents only further evidence the abuse and credible fear that
 5 class members have both in requesting accommodations from staff and in the reporting
 6 staff misconduct and failure to accommodate.

7 49. Mr. [REDACTED] is an *Armstrong* class member who requires a wheelchair to
 8 get around. When he arrived at LAC in July 2018 he used a walker and a cane but says he
 9 can no longer use both as a result of an assault by staff at that facility. In his declaration he
 10 describes being placed in a segregation cell on July 25, 2018 following an allegation that
 11 he had threatened a correctional officer. After he was placed in the cell, he kicked the door
 12 in an effort to get officers' attention that the electrical outlet in his cell was not working.
 13 The officers removed him from the cell and placed him in the medical area to await a
 14 move to another cell.⁷⁴ The officers had taken his cane from him and had to carry him by
 15 the arms to his new cell.⁷⁵ Mr. [REDACTED] then says,

16 As they were telling me this, the door to the cell started closing. The officers
 17 tried to push me into the cell. They did not get me into the cell fast enough
 18 and the door closed on my left thigh. I felt pain as the steel door pushed into
 19 my thigh. Because I was in waist chains, I could not use my hands to try to
 20 free myself. After observing that I was unable to free my leg from the door,
 21 the officers started laughing at me. After I struggled for about a minute, an
 22 officer asked the tower to open my door.

23 As the door was opening, Officer [REDACTED] yanked me out of the cell, and
 24 [REDACTED] hit me in the face, knocking my glasses off. Officers
 25 [REDACTED] and [REDACTED] then slammed me to the floor, face first.

26 While I was on the ground, the officers kicked me in the body. I think the
 27 attack lasted 30 seconds.⁷⁶

28 ⁷³ [REDACTED] 21, 2019 letter from Plaintiffs, "Armstrong Advocacy Letter – [REDACTED] [REDACTED]
 [REDACTED] SVSP"

⁷⁴ Declaration of [REDACTED] ¶¶ 3, 10-12

⁷⁵ *Ibid.*, ¶ 11

⁷⁶ *Ibid.*, ¶¶ 13-15

1 50. Mr. [REDACTED] was taken to an outside hospital where he stayed for two
 2 days and was diagnosed as having acute flaccid paralysis, which he had suffered before. It
 3 appears that this incident exacerbated Mr. [REDACTED] pre-existing spinal problems.
 4 After this incident he could not stand or walk and he developed incontinence.⁷⁷

5 51. Defendants' evidence fails to rebut Mr. [REDACTED] account of events. In
 6 opposition to Mr. [REDACTED] declaration, Defendants submit the Declaration of [REDACTED]
 7 [REDACTED].⁷⁸ Officer [REDACTED] reports that Mr. [REDACTED] was placed in waist-restraints during
 8 an escort to a new cell. Officer [REDACTED] does not mention Mr. [REDACTED] use of a cane,
 9 that the cane was removed for him, or that Mr. [REDACTED] has a serious mobility
 10 impairment. Officer [REDACTED] reports that, as the cell door closed, Mr. [REDACTED]
 11 "suddenly turned around and intentionally stuck his leg outside the cell door to prevent it
 12 from closing completely." After Mr. [REDACTED] leg was freed, Officer [REDACTED] reports
 13 that Mr. [REDACTED] "lunged" toward Officer [REDACTED] and Officer [REDACTED] Officer [REDACTED]
 14 declares that his conduct had nothing to do with Mr. [REDACTED] disabilities. As with
 15 multiple other cases reviewed here, Officer [REDACTED] statement only underscores his lack of
 16 understanding about the need to accommodate disabilities.

17 52. There is no dispute here that Mr. [REDACTED] has a disability.
 18 Mr. [REDACTED] was 52 years old at the time of the incident and has been diagnosed with
 19 severe tricompartmental arthrosis in his right knee and moderate hip arthrosis in both of his
 20 hips. These diagnoses of severe arthritis were confirmed by February 22, 2018 x-rays.⁷⁹
 21 Due to his osteoarthritis, Mr. [REDACTED] was classified as mobility impaired and was
 22 issued a cane, mobility vest, walker, and knee braces before the July 25, 2018 incident.
 23 His medical records document that he had used a walker to ambulate for three years prior
 24

25 ⁷⁷ *see also* **Exhibit F** (a true and correct copy of a document from Mr. [REDACTED] medic
 26 **Exhibit G** (a true and correct copy of an excerpted document from Mr. [REDACTED] medical file)

27 ⁷⁸ Declaration of [REDACTED] in Support of Defendants' Opposition, Dkt. 3080-1, Ex. A

28 ⁷⁹ *See* **Exhibit H** (a true and correct copy of a [REDACTED] *Armstrong* monitoring tour report from Plaintiffs' counsel regarding Mr. [REDACTED] disability)

1 to this incident.⁸⁰

2 53. Despite Officer [REDACTED] contention that this incident had nothing to do with
3 Mr. [REDACTED] disabilities, it is clear that the failure to accommodate Mr. [REDACTED]
4 and the force incident that resulted, are related to his disabilities. First, staff denied
5 Mr. [REDACTED] access to the cane that he needed to get around. As a result of his
6 disability, and the denial of his access to the cane, Mr. [REDACTED] could not evade the
7 closing cell door, resulting in his leg being pinned and setting off the events that led to
8 further force. The failure to accommodate Mr. [REDACTED] disability is thus central to
9 this incident.

10 54. Further, given Mr. [REDACTED] mobility restrictions and confirmed
11 disabilities, it is unlikely that he had the range of motion to stick his leg into the door and
12 “lunge” at the officers as reported the incident reports. It also does not make logical sense
13 that someone with such disabilities would intentionally do so risking further significant
14 injury and harm to themselves. Moreover, the degree and type of force reported by staff
15 does not explain Mr. [REDACTED] extensive injuries, including acute paralysis.

16 55. Mr. [REDACTED] filed a complaint related to this incident and identified three
17 incarcerated witnesses.⁸¹ An inquiry into the event quoted Mr. [REDACTED] as saying:

18 [REDACTED] officer’s didn’t do anything wrong. That guy (inmate [REDACTED])
19 [REDACTED] was acting a fool and throwing himself on the ground. The
20 Officer’s do what they had to do.⁸²

21 However, there is no reference to the statement of Mr. [REDACTED] another witness identified
22 by Mr. [REDACTED] in the inquiry. Rather, I found the following statement in the
23 attachment to the inquiry.

24 They put [REDACTED] in the Cell and I heard [REDACTED] complaining-that
25 he was stuck in the door. They opened the cell door and the Officers took
26 him to the ground, He was laying down in the ground with an officer pushing

26 ⁸⁰ *Ibid.*

27 ⁸¹ One witness, Mr. [REDACTED] indicated he was not in the unit at the time the event
28 occurred and could not provide any relevant information. See **Exhibit I**.

⁸² *Ibid.*, DOJ-LAC00019514

1 his head against the ground.⁸³

2 Mr. [REDACTED] supports much of Mr. [REDACTED] claims confirming the information about
3 Mr. [REDACTED] being stuck in the cell door and the officers taking him to the ground. In
4 my opinion this is an important omission in the inquiry, which reached the conclusion that
5 the allegations were not substantiated. I also note that the inquiry purports to address
6 allegations about use of force on July 25, 2018 and November 14, 2018. I can find nothing
7 in the inquiry that addresses the November event although it was apparently found to be
8 “not substantiated” as well.

9 56. The reports of Officer [REDACTED] and Officer [REDACTED] have indicators of
10 plagiarism, which tends to reduce their credibility.⁸⁴ Officer [REDACTED] writes, “[REDACTED]
11 without warning suddenly turned around facing toward us and intentionally stuck his left
12 leg outside the cell door preventing the cell door from being closed shut.”⁸⁵ Officer [REDACTED]
13 writes, “...[REDACTED] suddenly turned around completely and intentionally stuck his left
14 leg outside the cell door preventing the door from closing.”⁸⁶ Key phrases, like “suddenly
15 turned around” and “intentionally stuck his left leg outside the cell door preventing the...”
16 appear verbatim in the reports, down to the punctuation. None of the reports mention that
17 the impetus for the incident which was directly related to his disability: that
18 Mr. [REDACTED] was denied access to his cane and was stuck in a cell door because of his
19 mobility disability. This omission also tends to reduce the officers’ credibility and further
20 demonstrate their lack of understanding regarding disabilities and the need to provide
21 accommodations.

22 57. Mr. [REDACTED] received an RVR related to this incident. In his declaration
23 he describes a credible defense against the allegation that he was resisting staff.

24 According to the RVR, I “intentionally stuck [my] leg out” to prevent the
25

26 ⁸³ See **Exhibit J**, at DOJ-LAC00019498

27 ⁸⁴ See **Exhibit K**

28 ⁸⁵ *Ibid.*

⁸⁶ Declaration of [REDACTED] in Support of Defendants’ Opposition, Dkt. 3080-1, Ex. A, at 2

[3618027.3]

1 cell door from closing and “lunged at the officers.” This report is ridiculous.
 2 At the time, I had a serious disability that restricted my mobility and required
 3 me to use a cane or a walker. I was also cuffed and chained at the time of the
 assault. There is no way it would have been possible for me to lunge at the
 officers in the manner they reported.⁸⁷

4 When the hearing was conducted, the Senior Hearing Officer noted, “the appellant refused
 5 to attend the hearing. An Informational Chrono was generated documenting the refusal to
 6 attend the hearing.”⁸⁸ This was false; Mr. [REDACTED] was out-to-court (“OTC”), and
 7 therefore, could not have refused to attend the hearing because he was not housed at the
 8 institution. The hearing moved forward without Mr. [REDACTED] and he was found guilty
 9 of the RVR. This was remedied at the second level of review, which stated that, “The
 10 appellant states he was OTC on the date of the disciplinary hearing and was unaware the
 11 hearing was held. The SHO notes the appellant refused to sign the General Chrono (CDC
 12 128-B) noting his refusal.”⁸⁹ While Mr. [REDACTED] RVR was ordered to be re-heard, it
 13 does not appear that the SHO was investigated for falsifying documents that indicated that
 14 Mr. [REDACTED] refused to sign the refusal chrono. That the RVR was allowed to be
 15 heard, under the pretense that Mr. [REDACTED] “refused” to be present when he clearly was
 16 not able to refuse because he was not at the institution, is a clear indicator of the unfairness
 17 of the RVR process. Again, this sham of a hearing and the due process consequences, the
 18 force used in this case, the resulting harm to Mr. [REDACTED] all stem from staff’s failure
 19 to accommodate his disability.

20 58. But this was not the end of Mr. [REDACTED] abuse at LAC. On November
 21 14, 2018, an officer came to his cell to take him to see his counselor. He was cuffed in
 22 front of his body through the food port in his cell door and was told to stand up so that
 23 waist chains could be applied. He told the officer that he could not comply, as he could
 24 not stand (as a result of the incident described above). The officer told him he would report
 25

26 ⁸⁷ Declaration of [REDACTED] ¶ 23

27 ⁸⁸ See **Exhibit L**

28 ⁸⁹ *Ibid.*, DOJ-LAC00019451

1 that he was refusing his appointment.⁹⁰ Mr. [REDACTED] then asked to see a sergeant. In
 2 his declaration he reports what happened next.

3 I asked him [REDACTED] could speak to the Sergeant, so the officer [REDACTED] out for
 4 Sergeant [REDACTED] to come to do the door. When Sergeant [REDACTED] arrived,
 the officer told him that I “refused to uncuff.”

5 Sergeant [REDACTED] said “Oh, yeah?” Then, Sergeant [REDACTED] and the officer
 6 grabbed the chains through the food port with su [REDACTED] h [REDACTED] out of my
 7 [REDACTED] li [REDACTED] he cel [REDACTED] or. I saw Officers [REDACTED] [REDACTED]
 8 [REDACTED] and [REDACTED] arrive at my cell door. All of the officers,
 9 except for one, grabbed ahold of the chains and started to pull on the chains
 10 until my arms came entirely out of the food port, ripping the skin on my
 hands and wrists. My knees dragged against the door, scraping off the skin
 under my pants. The officers took the cuffs off me, letting go of my arms
 and causing me to fall backwards into my cell. As this was happening, they
 laughed at me and said, “You stood up now!” They also called me a racial
 slur.⁹¹

11 59. Again, this incident also occurred as a result of the failure of staff to
 12 accommodate Mr. [REDACTED] disability. The behavior in this second incident of abuse
 13 of Mr. [REDACTED] not only shows animus towards incarcerated people with disabilities, it
 14 appears outright sadistic and racist and is beyond unprofessional. Additionally, assuming
 15 that Mr. [REDACTED] was refusing to cuff up (which I do not), he was at that time securely
 16 locked in his cell and in restraints. If the cuffs needed to be removed this would have been
 17 a textbook example of the requirement to implement CDCR’s controlled use of force
 18 procedures.

19 That policy says:

20 A controlled use of force is the force used in an institution/facility setting,
 21 when an inmate’s presence or conduct poses a threat to safety or security and
 22 the inmate is located in an area that can be controlled or isolated. These
 situations do not normally involve the imminent threat to loss of life or
 imminent threat to institution security.

23 All controlled uses of force shall be preceded by a cool down period to allow
 24 the inmate an opportunity to comply with custody staff orders. The cool
 25 down period shall include clinical intervention (attempts to verbally counsel
 and persuade the inmate to voluntary exit the area) by a licensed mental
 health practitioner and may include similar attempts by custody staff if
 authorized by the on-site manager.⁹²

26 ⁹⁰ Declaration of [REDACTED] ¶ 28

27 ⁹¹ *Ibid.*, ¶¶ 29-30

28 ⁹² CDCR Department Operations Manual (DOM), § 51020.4, Definitions and § 51020.12

1
2 60. The failure to appropriately shift a potential use of force event to a controlled
3 use of force event appears to be endemic to CDCR prisons and is a serious concern. This
4 policy is especially important in the context of people with disabilities as it allows staff to
5 slow down and with deliberate control, approval of their actions, and the support of
6 additional staff attempt to resolve the situation. In other words, if a disability
7 accommodation is warranted, this is the perfect time to provide one. The policy language
8 above is excellent but in the use of force cases I have reviewed for this report it seems it is
9 not being followed. This CDCR policy was not implemented in this situation and tellingly,
10 Mr. [REDACTED] was not accommodated and received no related RVR. Mr. [REDACTED]
11 filed written complaints about both of these incidents but received no relief. Defendants
12 do not submit any evidence to contest this allegation.

13 61. Mr. [REDACTED] is also a *Coleman* class member at the EOP level of care. He also
14 has serious medical problems and was receiving chemotherapy while incarcerated in 2019.
15 On August 26, 2019 he returned to LAC from RJD. He was supposed to receive
16 medication but it was not ready for him that evening or at first the following morning. He
17 went back and forth to the pill line and was in pain. His medication was not forthcoming.
18 Returning to his living unit in a wheelchair he stopped at the office and asked if he could
19 move to a location closer to where the medication is typically distributed.⁹³ This appears
20 to have been a reasonable request, even if the answer to his request was “no.” Instead,
21 Mr. [REDACTED] describes what happened next:

22 One of the officers, Officer [REDACTED] responded harshly, ignoring my request
23 and saying, “So you shaved your eyebrows like a queer, huh?” I was stunned
24 and angered by this hostility, and so I responded in kind by saying, “Hey,
25 fuck you.” At the time of this encounter, I was visibly weak and anyone
26 could see that I was recovering from my chemotherapy. I was bald at the
time, there were black circles around my eyes, and my skin was yellowed
from jaundice. Even a child would be able to see that I was sick. Also, I had
started out the conversation by telling the officers I had just gone through
chemotherapy.

27 I repeated my request to move to another unit. Eventually, though, I realized

28 ⁹³ Declaration of [REDACTED] ¶¶ 10-14

[3618027.3]

1 that the officers would not grant my request, and so I told them, “I want to
2 talk to the sergeant.”

3 In response, Officer [REDACTED] suddenly grabbed me by my [REDACTED] cep and
4 flung me out of my wheelchair onto the ground. Officer [REDACTED] then hit his
5 alarm, jumped on top of me, pressed his knee into my back, and forcibly
6 cuffed me up. Multiple officers then responded to the alarm.

7 Next, Officer [REDACTED] and a second officer whose name I do not know,
8 picked me up, and started to drag me across the unit and across the yard to
9 the D-Yard gym. Several other officers followed us to the gym.

10 As the officers dragged me by my arms, with my wrists cuffed up behind my
11 back, they pulled my arms upwards, bending me forward as they forced my
12 arms higher into the air. This was extremely painful, and I was worried they
13 would break my shoulders by pulling up my arms behind my back in this
14 manner.

15 As the officers brought me into the gym, I cried out, “You’re going to break
16 my shoulders; you’re going to break my shoulders.” In response, the
17 officers—including Officer [REDACTED] Officer [REDACTED] Officer [REDACTED] and
18 Officer [REDACTED]—dropped me to the ground and began kicking and punching
19 me repeatedly in the face, head, and chest. I estimate that the assault lasted
20 for around 20-30 seconds, but it felt like a lot longer. I believe I was
21 punched and kicked approximately 20 times. I was hit in the face, my upper
22 torso and on the sides of my body.⁹⁴

23 62. Once again we see CDCR officers punching and kicking a person in
24 handcuffs. This time it was a person so sick from chemotherapy that he needed at
25 wheelchair to get around. There was no indication of an imminent threat to justify this use
26 of force. There is actually no threat at all—he was simply asking for a disability
27 accommodation, if he could get closer to where the medication was to be distributed,
28 because he was having difficulty walking there. And in response to this request, the first
29 abuse came in the form of a homophobic slur and other abusive language from the
30 correctional officer followed by unnecessary and excessive force. All of it linked to Mr.
31 [REDACTED] request for an accommodation. Mr. [REDACTED] received an RVR for this incident. The
32 hearing appears to have been a sham. Mr. [REDACTED] said of the RVR hearing:

33 A few days later, I received a Rules Violation Report (“RVR”) for “Resisting
34 Staff.” The write-up falsely claimed that I violently twisted away from
35 Officer Spencer after he had tried to handcuff me, necessitating the use of
36 force against me. I did not violently twist away from Officer [REDACTED]. I was
37 too weak from chemotherapy to do much of anything. Officer [REDACTED] also
38 alleged that when bringing me to the ground, he fell on top of me and landed

⁹⁴ *Ibid.*, ¶¶ 15-20

1 on my upper back. In reality, Officer [REDACTED] jumped on my back and
2 pressed his knee painfully against it.

3 The RVR was heard a few weeks later. At the hearing, the senior hearing
4 officer (a lieutenant whose name I do not remember) told me, "Because my
5 officer went out of his way to write this, I'm going to have to believe him." I
6 explained to him that I could not have resisted the officer as claimed because
7 I was in a wheelchair and was weak from chemotherapy. I then asked to call
8 witnesses to support my account. I called two prisoners in my unit as
9 witnesses. They testified that I did not resist. The hearing officer told me, "I
10 still have to believe my officer." When I told him that I would file a CDCR
11 Form 602 grievance challenging the decision, the officer asked, "Why are
12 you questioning my decision?" and found me guilty for the RVR.

13 I felt outraged and disbelieving. I had been beaten up for no reason, and I
14 was written up for it.⁹⁵

15 63. Mr. [REDACTED] was also impacted by the abusive treatment he received while at
16 LAC. He says,

17 The staff misconduct I experienced on August 27, 2019 has forever changed
18 how I interact with custody staff. Particularly when I was still at LAC, I was
19 afraid to ask for anything from custody staff. I felt like if I asked for
20 anything from staff, they might attack me. I no longer asked officers for a
21 cell move to be closer to pill call, or for any other disability accommodations
22 or medical accommodations. I remained in Building 4 on D-Yard and was
23 forced to walk to pill call several times a day. I knew not to mention it
24 again.⁹⁶

25 64. This is not what a responsible correctional authority wants to hear from
26 people with disabilities under their care. If incarcerated persons are afraid of prison
27 authorities, safety and security is eroded when individuals fear staff to the point of being
28 unwilling to engage them when they have a need for an accommodation or mental health
or medical problems or emergencies. Incarcerated people then suffer as a result. It is
dangerous for people to be afraid to seek help when they have a need for an
accommodation or medical problems or a mental health crisis. When incarcerated people
suffer physical abuse at the hands of correctional officer, as described in this incident, they
are then afraid to seek help in the future, and the risk of harm is increased.

65. Mr. [REDACTED] is an *Armstrong* and *Coleman* class member. He has mobility

⁹⁵ *Ibid.*, ¶¶ 30-32

⁹⁶ *Ibid.*, ¶ 38

1 impairment and uses a cane. At the time of the incident described below he was at the
 2 CCCMS level of care. As a result of the incident his mental health deteriorated and he was
 3 sent to a crisis bed. He was then reclassified as requiring the EOP level of care.⁹⁷ In my
 4 opinion the incident clearly is connected to his disability. First, Mr. [REDACTED] was in the
 5 process of reaching for his glasses, a disability accommodation, when the force occurred.
 6 Second, the incident itself significantly worsened his mental health and, due to ensuing
 7 crisis bed placement, potentially negatively impacted his chance of release.

8 66. On November 9, 2019, at LAC he was ordered to submit to a clothed body
 9 search. During the search he reached into his pocket in order to take out his glasses. He
 10 then says:

11 As I reached to get my glasses, Officer [REDACTED] suddenly grabbed my left
 12 [REDACTED] threw me to the ground. As I was knocked to the ground, Officer
 13 [REDACTED] punched me in the face multiple times, knocking me out. I am not
 sure exactly how long I blacked out, but I believe I was unconscious for
 approximately 40 to 50 seconds.

14 [REDACTED] came to, I saw that the door to the sally port was locked. Officer
 15 [REDACTED] proceeded to hit me several more times and told me to “shut the
 16 fuck up” when I cried out in pain. At this moment, I was shocked by what
 17 had happened, and I was afraid that the beating would continue. However,
 the tower officer opened the door to the sally port, and when other officers
 walked in through door, the beating stopped.⁹⁸

18 It is reasonable to assume that the officers became concerned when Mr. [REDACTED] reached
 19 into his pocket without being directed to do so. Such a concern might justify an immediate
 20 use of force including taking Mr. [REDACTED] to the ground. But nothing in this incident would
 21 require that Mr. [REDACTED] be punched. Why did Officer [REDACTED] not attempt to counsel
 22 Mr. [REDACTED] before using force? If Officer [REDACTED] believed that Mr. [REDACTED] was an
 23 imminent threat, he could have just as easily restrained him, as he was already in control of
 24 Mr. [REDACTED] body while he was conducting a search of him. Before resorting to force, staff
 25 gave only one order to Mr. [REDACTED] and then they provided him with little to no time to
 26

27 ⁹⁷ Declaration of [REDACTED] ¶ 7

28 ⁹⁸ *Ibid.*, ¶¶ 10-11

1 comply with it. They then quickly and brutally used force against Mr. [REDACTED] in a manner
 2 that demonstrated no recognition of the possible effects it could have on the severity of his
 3 mental illness.

4 67. I have watched a video and listened to an audio recording where Mr. [REDACTED]
 5 was interviewed about this incident.⁹⁹ Neither investigator pursued a line of questioning
 6 about punches being thrown, nor if they were appropriate, which in my opinion is a
 7 significant omission in the investigative inquiry. It is likely that CDCR officials are so
 8 accustomed to punches being thrown that they do not see it as an issue. They are wrong.
 9 Serious injuries can result from punches (and kicks) and for that reason such allegations
 10 need to be carefully evaluated in any use of force review. Even giving the officers the
 11 benefit of the doubt that an immediate use of force may have been necessary, the level of
 12 force used was excessive.

13 68. The officers involved deny throwing any punches.¹⁰⁰ If there had been
 14 camera coverage of the area where the event occurred, especially body cameras, there
 15 would be no question about what actually happened. Yet, the evidence available
 16 undermines the officers' reports and supports Mr. [REDACTED] allegations. The video interview
 17 of Mr. [REDACTED] reveals injuries that are not explained by the degree and type of force
 18 reported by Officer [REDACTED]. Mr. [REDACTED] displays with multiple lacerations across his
 19 face. Officers report only using force required to take Mr. [REDACTED] to the floor and restrain
 20 him once on the floor, which does not easily explain his multiple facial lacerations. Those
 21 documented injuries are more consistent with Mr. [REDACTED] allegation that he was punched
 22 in the face multiple times while on the floor. Moreover, medical records indicate that
 23 Mr. [REDACTED] suffered symptoms consistent with a concussion, which are not explained by
 24 officers' reported force.¹⁰¹ These facts, taken together, greatly reduce the credibility of the
 25

26 ⁹⁹ See **Exhibit M** and **Exhibit N**

27 ¹⁰⁰ See **Exhibit O**

28 ¹⁰¹ See **Exhibit P** (a true and correct copy of excerpted documents from Mr. [REDACTED] medical file)

1 officers' reports.

2 69. Two days later Mr. [REDACTED] was placed in a holding cage in the gym awaiting
3 an appointment. The involved officers in the above assault showed up and Mr. [REDACTED]
4 reports the following:

5 While I was sitting in [REDACTED] holding cage to be taken to the MHC unit,
6 Officers [REDACTED] and [REDACTED] came up to my holding cage [REDACTED] and a
7 flashlight in my face, and told me, "That's what you get, [REDACTED] I believe
8 they were there to antagonize me and to make me feel bad for no reason.
Even the officer who was watching me for suicide watch in the gym seemed
annoyed by these officers' actions, and said to the officers, "What did you
guys even come in here for, anyway?"¹⁰²

9 During the audio interview with the Lieutenant, which occurred several days after the use
10 of force incident, no questions were pursued about these inappropriate comments alleged
11 to have been made by the correctional officers, another serious omission in the
12 investigation. In my opinion it would have been appropriate to ask Mr. [REDACTED] if he was
13 suffering any retaliation as a result of filing a complaint. Specially trained staff should be
14 identified to follow up with incarcerated people who allege staff misconduct.

15 70. Mr. [REDACTED] mental health condition deteriorated after this incident and he
16 expresses concern about the impact on the Parole Board. He says:

17 I spent the next six days in the MHC unit before I was discharged to
18 D Yard to the EOP program. Before this incident, I had been successfully
19 programming at a lower level of care for my mental health issues—the
20 CCCMS level of care. I had been CCCMS for three years, and I was
21 approved to transfer to A-Yard at LAC, the "Honor Yard," which has a lot of
22 positive programs that would have helped me when I go to the Board of
Parole Hearings in December 2020. Because of the assault and my resulting
mental health decompensation, I had to go to the EOP Yard instead, which
has much less of the kind of programming the parole board likes to see on
your record.¹⁰³

23 71. This case clearly shows a failure on the part of investigators to discover and
24 report on facts that are material to the question of whether the force was appropriate in this
25 case. That Mr. [REDACTED] was reaching for his glasses, a disability accommodation, leading to
26

27 ¹⁰² Declaration of [REDACTED] ¶ 17

28 ¹⁰³ Declaration of [REDACTED] ¶ 18

1 the force and that the force incident exacerbated his mental health issues, means there is a
2 close nexus between the force used here and Mr. [REDACTED] disabilities.

3 72. Mr. [REDACTED] is an *Armstrong* and *Coleman* class member who is a full-time
4 wheelchair user and who is also incontinent as a result of his disability. He reported that
5 on August 7, 2019, he requested access to multiple disability accommodations including a
6 shower and extra laundry and supplies to clean his cell because his catheter bag broke.
7 Officer [REDACTED] denied his request and, after hours of waiting in blood and urine soaked
8 sheets, they argued. Officer [REDACTED] dumped Mr. [REDACTED] out of his wheelchair. Mr.
9 [REDACTED] claims that Officer [REDACTED] dragged him out to the dayroom, put a knee in his back
10 and cuffed him. Mr. [REDACTED] reports that he had just returned from the hospital two days
11 earlier after receiving back surgery and that this incident caused him excruciating pain.
12 Mr. [REDACTED] also alleges that medical staff failed to document the injuries on his legs from
13 being dumped out of the chair. Mr. [REDACTED] received an RVR for this incident for Battery on
14 a Peace Officer.

15 73. Defendants attempt to rebut Mr. [REDACTED] allegation through the Declaration
16 of Officer [REDACTED] which attaches his statement of events.¹⁰⁴ His statements starts at the
17 point that Mr. [REDACTED] is allegedly becoming frustrated with Officer [REDACTED] omitting
18 mention of any failed attempts by Mr. [REDACTED] to obtain the requested disability
19 accommodations before that point.¹⁰⁵ Officer [REDACTED] account of events is that Mr.
20 [REDACTED] refused to return to his cell and that he reached in to his cell and grabbed a bag of
21 dirty diapers throwing them at and striking Officer [REDACTED].¹⁰⁶

22 74. Defendants omit the remainder of the incident report and omit a later June
23 17, 2020, inquiry in to the incident.¹⁰⁷ This omission is significant because the inquiry
24 includes the statement of only one additional witness, Mr. [REDACTED] an incarcerated

25 ¹⁰⁴ Declaration of [REDACTED] in Support of Defendants' Opposition, Dkt. 3083-2

26 ¹⁰⁵ *Ibid.*, Ex. A

27 ¹⁰⁶ *Ibid.*

28 ¹⁰⁷ See **Exhibit GGG**

1 witness who corroborates Mr. [REDACTED] account of events including that he saw Officer
 2 [REDACTED] dump Mr. [REDACTED] out of his wheelchair. Specifically, the inquiry report states,
 3 [REDACTED] stated that [REDACTED] o the incident, he had vo [REDACTED] wash
 4 the bed sheets of Inm [REDACTED] in the Porters station. [REDACTED] tated
 5 that he would wash [REDACTED] sheets if the [REDACTED] as he ([REDACTED] was
 6 physically unable to wash his own sheets. [REDACTED] stated that as he
 7 he sheets, he heard Inmate [REDACTED] yelling to be "let go".
 8 [REDACTED] stated that he then looked out from the Porter station as his
 9 view was blocked by the wall, at which time he was order [REDACTED] go sit
 10 on the B-Section stairwell nearest to the C-Section cells. [REDACTED]
 11 t as he sat on the stairwell, he observed O [REDACTED] Williams lift
 12 [REDACTED] om the back forcing him ([REDACTED] to [REDACTED] he
 13 ground. [REDACTED] st [REDACTED] he then observed Officer [REDACTED] place
 14 his knee on the middle of [REDACTED] back and place him into handcuffs.¹⁰⁸

15 75. Mr. [REDACTED] eye witness account was dismissed with the investigator
 16 claiming that, because it was consistent with Mr. [REDACTED] account, he and Mr. [REDACTED] must
 17 have corroborated their accounts among themselves.¹⁰⁹ By this logic, without proof that
 18 this actually occurred, it would be impossible for any incarcerated eye-witness to
 19 corroborate the details of any incident. And in fact, this is the unwritten rule that seems to
 20 apply in many cases I have reviewed from multiple CDCR prisons.

21 76. The investigator goes on to conclude that the version of events told by Mr.
 22 [REDACTED] and witness [REDACTED] are "drastically" different from the incident report.¹¹⁰ Mr.
 23 [REDACTED] apparently states that Mr. [REDACTED] was denied a shower before he was assaulted
 24 by Officer [REDACTED] and Mr. [REDACTED] says that he received his shower but was denied access
 25 to clean sheets and laundry before he was assaulted.¹¹¹ These are obviously not drastic nor
 26 material differences. What specific disability accommodations Mr. [REDACTED] was denied
 27 prior to his assault only confirms that this was in fact a disability related incident and
 28 provides further support for Mr. [REDACTED] account that he was being denied multiple
 accommodations leading up to the event where he was dumped out of his wheelchair – a

¹⁰⁸ *Ibid.*, at DOJ-LAC00017626

¹⁰⁹ *Ibid.*

¹¹⁰ *Ibid.*, DOJ-LAC00017631

¹¹¹ *Ibid.*

1 material fact that both accounts are consistent on.

2 77. The investigator discounts both Mr. [REDACTED] and Mr. [REDACTED] statements
 3 because they fail to mention that Mr. [REDACTED] threw a bag of dirty diapers at Officer
 4 [REDACTED].¹¹² There is no indication that the investigator asked either Mr. [REDACTED] or Mr.
 5 [REDACTED] about why they failed to mention it. Rather than dismiss their accounts, one
 6 logical conclusion to be drawn from the omission is that, as Mr. [REDACTED] claims in his
 7 declaration, it was not mentioned by either witness because it never happened. Instead,
 8 Officer [REDACTED] account of events is assumed to be true and any differing statements
 9 from incarcerated people are assumed false. As has been reported in multiple cases I
 10 reviewed, this shocking bias against incarcerated people is serious barrier to the staff
 11 misconduct investigation and disciplinary process. I find evidence that it is occurring at
 12 multiple CDCR prisons. But even if Mr. [REDACTED] did throw diapers at Officer [REDACTED] that
 13 would not justify dumping Mr. [REDACTED] out of his wheelchair.

14 78. Mr. [REDACTED] claims that during his RVR hearing he was denied the right to
 15 question his witnesses regarding whether Officer [REDACTED] dumped him from his
 16 wheelchair and whether Officer [REDACTED] denied him access to disability accommodations
 17 prior to the incident. These questions were deemed irrelevant by the hearing officer. Mr.
 18 [REDACTED] witness did apparently corroborate his statement that he did not throw diapers at
 19 Officer [REDACTED]. Nevertheless, Mr. [REDACTED] was found guilty.¹¹³ I find this RVR finding of
 20 guilt suspect in light of the inquiry report as is the case with many, many RVRs received
 21 by declarants.

22 79. There is no question that the force incident involving Mr. [REDACTED] is directly
 23 related to staff's failure to accommodate his disability. Nothing in Defendants' evidence
 24 rebuts this. Further, Defendants omit evidence from the record that in my opinion lends
 25 further credibility to Mr. [REDACTED] and his account of the events that took place leading up to
 26

27 ¹¹² *Ibid.*, at DOJ-LAC00017626-7

28 ¹¹³ Declaration of [REDACTED] ¶ 38.

1 and during the use of force. There is evidence of an incomplete and biased investigation
 2 and, as a result, an utter failure to hold staff accountable for at best a failure to
 3 accommodate Mr. [REDACTED] and at worst an outright abusive attack on Mr. [REDACTED] as a direct
 4 result of his disability.

5 80. Mr. [REDACTED] is a *Coleman* class member at the EOP level of care. He suffers
 6 from depression and anxiety and reports he “hears voices and sees things.” He was
 7 incarcerated at KVSP from August 2017 to October 2019 and is no longer at that prison.
 8 On August 27, 2019 he got in a fight with another incarcerated person on the yard. When
 9 ordered to stop and get on the ground he complied and was placed in handcuffs. An
 10 officer sprayed him in the face with pepper spray,¹¹⁴ saying to Mr. [REDACTED] “welcome to Kern
 11 Valley,” even though he was compliant and in restraints. This can only be described as
 12 immediate corporeal punishment for his misbehavior, not an acceptable practice in any
 13 correctional jurisdiction.

14 81. Another incarcerated person, Mr. [REDACTED] witnessed this incident. Mr. [REDACTED]
 15 confirms that both he and Mr. [REDACTED] were pepper sprayed while in cuffs.¹¹⁵ A statement by
 16 Mr. [REDACTED] provides further corroboration that a person was pepper-sprayed without
 17 justification as he lay on the ground in handcuffs.

18 82. Defendants’ expert Bernard Warner addressed this event in his declaration.
 19 Mr. Warner opines that the statement of one incarcerated person that witnessed the event
 20 was not credible.¹¹⁶ This is somewhat puzzling as the related RVR I have reviewed said
 21 there were no witnesses.¹¹⁷ Apparently Mr. Warner was not provided with the [REDACTED]
 22 Declaration prior to drafting his declaration. Nevertheless, in my opinion, the declaration
 23 of Mr. [REDACTED] is entirely consistent with the statement by Mr. [REDACTED] In my opinion the

24
 25 ¹¹⁴ In his declaration, Mr. [REDACTED] describes on this same day witnessing a person who was
 26 in restraints who was subjected to pepper spray. He [REDACTED] not mention the victim by name
 but is was very likely Mr. [REDACTED] See Declaration of [REDACTED] ¶ 18

27 ¹¹⁵ Declaration of [REDACTED] ¶ 8

28 ¹¹⁶ Warner Decl., ¶ 32

¹¹⁷ See **Exhibit Q**

1 statement by Mr. [REDACTED] should be considered in evaluating this incident, and a statement
 2 offered by Mr. [REDACTED] about being assaulted by officers on the same day and
 3 approximate time should be investigated.

4 83. Once again, if cameras were available, is it highly likely what happened on
 5 August 27, 2019 would be much more clear.

6 84. Mr. [REDACTED] filed a 602 complaint about the inappropriate use of pepper spray
 7 but it was denied. In response to Mr. [REDACTED] 602, an appeals inquiry was conducted.¹¹⁹ The
 8 investigator interviewed Officer [REDACTED] Officer [REDACTED] Officer [REDACTED] Officer [REDACTED] and
 9 four incarcerated people. Three of the four incarcerated people interviewed, including one
 10 person that was involved in the fight that precipitated Officer [REDACTED] use of force, declined
 11 to substantively participate in the interviews. One of these three people, Mr. [REDACTED]
 12 when asked if he remembered an incident involving Mr. [REDACTED] Mr. [REDACTED] and Mr. [REDACTED]
 13 said that he did remember the incident. When asked about whether Officer [REDACTED] had used
 14 unnecessary force, Mr. [REDACTED] changed his story and “said that he did not see anything
 15 and had no information to offer.”

16 85. The fourth incarcerated person interviewed, Mr. [REDACTED] was the only person
 17 who was willing to be interviewed. Mr. [REDACTED] stated in an October 22, 2019 interview
 18 that he remembers seeing six to seven officers rush Mr. [REDACTED] Mr. [REDACTED] and Mr. [REDACTED]
 19 while they were already on the ground, and started to punch the inmates and then sprayed
 20 them when they were on the ground. The interviewer found Mr. [REDACTED] to be a non-
 21 credible witness in part because he first stated that officers punched Mr. [REDACTED] but when
 22 counseled by the investigator that Mr. [REDACTED] never alleged that he had been punched,
 23 Mr. [REDACTED] changed his statement to be that he saw staff “being rough” with Mr. [REDACTED].¹²⁰

24 86. Plaintiffs’ counsel has told me that Mr. [REDACTED] has a “test of basic adult
 25 education” score of 3.8, which means that he has less than a fourth grade skill achievement

26 ¹¹⁸ See Declaration of [REDACTED] ¶¶ 18-24

27 ¹¹⁹ See **Exhibit R**

28 ¹²⁰ *Ibid.*, at 4-6

1 level. Despite that, there is no indication that the investigator attempted to ensure that
 2 Mr. [REDACTED] understood the questions being asked of him, including by repeating back
 3 questions, talking slower, rephrasing questions, or any other methods. It is reasonable to
 4 conclude that a person with less than a fourth grade skill level might initially describe
 5 officers' being rough as "punching," and then later clarify that statement when asked
 6 follow-up questions. It is not reasonable to conclude, as the investigator did, that
 7 Mr. [REDACTED] was not credible on that basis. He reported the same basic allegation as
 8 Mr. [REDACTED] that Mr. [REDACTED] was pepper-sprayed alongside his cell mate, while restrained, for no
 9 good reason.

10 87. Last, it does not appear that any attempts were made to interview Mr. [REDACTED]
 11 who submitted a declaration confirming that he and Mr. [REDACTED] were pepper sprayed while
 12 handcuffed. That the second victim of the use of force was never interviewed is a
 13 shocking investigative failure. There is also no indication that CDCR attempted to re-open
 14 this investigation upon receipt of Mr. [REDACTED] declaration, which is also deeply concerning to
 15 me.

16 88. The incident reports associated with this incident have serious problems.
 17 Officer [REDACTED] reports that, once responding staff arrived on the scene, one incarcerated
 18 person, Mr. [REDACTED] ceased fighting and proned out while Mr. [REDACTED] and Mr. [REDACTED] continued
 19 to fight. Officer [REDACTED] reports that he then used pepper-spray to quell the fight.¹²¹ The
 20 reports of Officer [REDACTED] and Officer [REDACTED] describe that these staff responded to Officer
 21 [REDACTED] code 1 alarm.¹²² Both officers claim that they did not witness the use of pepper-
 22 spray. It is concerning that Officer [REDACTED] reported that responding staff had arrived prior to
 23 the use of force, but Officer [REDACTED] and [REDACTED] both report responding to the incident *after*
 24 force had been used.¹²³ This material discrepancy is not recognized by the investigator,
 25 who found that there was no evidence to support the allegations and who unquestioningly

26 ¹²¹ See **Exhibit S**, at 4-5

27 ¹²² *Ibid.*, at 3, 8

28 ¹²³ *Ibid.*

1 accepted the officers' statements.¹²⁴

2 89. This case lays bare the bias against incarcerated people in investigations
3 conducted by CDCR: the smallest inconsistency, even if it can be explained away,
4 automatically discounts the entirety of statements made by an incarcerated person, but
5 inconsistencies in the reports of officers go unrecognized.

6 90. On September 16, 2019, Mr. [REDACTED] reported safety concerns to officers in his
7 building.¹²⁵ He was placed in cuffs and taken to a holding cell. A group of officers then
8 appeared. Mr. [REDACTED] says,

9 [REDACTED] got to the holding [REDACTED] in the rotunda, [REDACTED] and Off
10 [REDACTED] Sergeant [REDACTED] and Sergeant [REDACTED] Sergeant [REDACTED] and
11 Sergeant [REDACTED] arrived, and they asked me through the door of the holding
12 cage what the issue was. I told them that I felt unsafe in C-8 because I was
13 in debt to another person on the unit. Sergeant [REDACTED] said to me "You
14 want to run for us f [REDACTED] lp now? Y [REDACTED] have thought about that before
15 you 602ed Officer [REDACTED] This is [REDACTED] bitch. We stick together. Now
16 go back and take what your rat ass got coming to you."

17 [REDACTED] on my time in CDCR, I have come to understand that the term "[REDACTED]"
18 [REDACTED] refers to a prison guard group that functions like a gang and frequently
19 assaults prisoners, provides drugs and contraband to incarcerated people, and
20 conducts other illegal activities. They also pay incarcerated people to assault
21 [REDACTED] and deal drugs within the facility. They frequently wear [REDACTED]
22 [REDACTED] or other clothing that signifies their allegiance, and they fly [REDACTED]
23 flags on watch towers and other places in the [REDACTED] which their officers
24 work. It is commonly known that there are [REDACTED] [REDACTED] members at prisons
25 across CDCR, and there is a large group of them at KVSF.¹²⁶

26 Sgt. [REDACTED] then told me that if I withdrew my 602 against Officer [REDACTED]
27 she might be able to help me. I told her I was not going to do that, and she
28 said, "well then, you're going back to your cell."¹²⁷

29 But Mr. [REDACTED] was not returned to his cell without incident. This time the assault was even
30 more serious.

31 The officers were each holding one of my arms, and the sergeants were
32 walking closely behind them. My hands were cuffed and I had leg restraints
33 around my ankles. They were forcing me to walk very fast. When we were
34 a few feet from the gate in C-8, my ankles hurt so much from walking so

35 ¹²⁴ See Ex. R, at 6.

36 ¹²⁵ Declaration of [REDACTED] ¶¶ 12-17

37 ¹²⁶ *Ibid.*, ¶¶ 12-13

38 ¹²⁷ *Ibid.*, ¶ 14

1 quickly in the restraints that I asked if I we could slow down because my
 2 legs were in pain be [REDACTED] he restraints were on so tight they were cutting at
 3 my legs. Sergeant [REDACTED] said “shut the fuck up, rat.” Once we got back
 4 into the C-8, A Section dayroom, the officers, whose hands were still on my
 5 arm, grabbed hold of my shoulders and slamm [REDACTED] to the ground. I
 6 was on the ground, the two officers, Sergea [REDACTED] and [REDACTED]
 7 started kicking and punching me. Officer [REDACTED] and Officer [REDACTED] who
 8 were working on the floor, also joined in and started punching and kicking
 9 me. I was scream [REDACTED] r them to stop. After what felt like about five
 10 minutes Sergeant [REDACTED] said “fuck it, I’ll call it in”, by which I understood
 11 he would set off the alarm to get other officers to respond to the incident.
 12 The officers were continuing to assault me as the alarm [REDACTED] d, and I was
 13 lying face down on the ground. At one point, Sergeant [REDACTED] stuck her
 14 finger straight [REDACTED] my left eye, causing my eye to quick [REDACTED] up. Right
 15 after Sergeant [REDACTED] said he was calling it in, Sergeant [REDACTED] put two of
 16 her fingers in my throat. I was struggling to breathe, but was able to push
 17 out the words “I can’t breathe” while I was gasping for air. She said “die
 18 bitch” as her fingers were in my throat. Because we were in the dayroom, a
 19 number of other EOP patients on the unit witnessed me being assaulted and
 20 were yell [REDACTED] officers and sergeants to stop. At some point while
 21 Sergeant [REDACTED] fingers were in my throat, I passed out.¹²⁸

22 91. The description of the behavior on the part of the sergeants and officers in
 23 this incident is horrific, sadistic, and in my opinion criminal. There is no imminent threat
 24 here justifying the immediate use of force. In fact there is no threat at all—only a
 25 deplorable attempt by the staff to intimidate Mr. [REDACTED] to withdraw his complaint against
 26 one of their fellow correctional officers. This is pure retaliation.

27 92. Once again in his declaration Mr. [REDACTED] gives a report of the September
 28 incident that is entirely consistent with Mr. [REDACTED] version of events.¹²⁹ That consistency
 causes me to opine that Mr. [REDACTED] description is credible.¹³⁰ Mr. Warner also addressed
 this second incident with Mr. [REDACTED] in his declaration. Mr. Warner completely discounts, as
 CDCR investigators do, reports from two incarcerated witnesses that corroborate Mr.
 [REDACTED] account of events. Mr. Warner reports that six incarcerated people were interviewed
 but in his opinion they “did not provide sufficient factual evidence to support [REDACTED]”

¹²⁸ *Ibid.*, ¶ 15

¹²⁹ Declaration of [REDACTED] ¶ 14

¹³⁰ Mr. [REDACTED] spoke up protesting the beating of Mr. [REDACTED] during this event. He alleges that
 he too was then assaulted as a result. I will address this event later in this declaration.

1 allegation".¹³¹ In my review I found a document that reports the interviews with six
 2 incarcerated people.¹³² One of those individuals said he did not see any punching or
 3 kicking (██████). He denied seeing any abuse of Mr. ██████. Another said he "heard a
 4 scuffle" (██████). Two said they did not remember (██████) and (██████). One said he
 5 saw Mr. ██████ being "slammed to the ground, stomped, kicked and punched" (██████).
 6 When asked to identify the officer, Mr. ██████ named a male officer, Officer ██████. On that
 7 basis, the investigator concluded that "Inmate ██████ statement conflicts with the
 8 appellant's account of the incident...the appellant makes no mention of Officer ██████ using
 9 any force on him...Therefore, Inmate ██████ statement should be considered
 10 unreliable."¹³³ This conclusion is absurd. The most likely explanation of this discrepancy
 11 is that Mr. ██████ simply got Sergeant ██████ name wrong. The investigator does not
 12 consider that possibility, and instead, finds Mr. ██████ unreliable. That is a pure exercise
 13 in bias against incarcerated people. An additional witness who said he saw Mr. ██████ being
 14 punched and dragged (██████) was apparently dismissed because he said ten officers had
 15 dragged Mr. ██████ and not two, as alleged by Mr. ██████. There is no indication of any
 16 follow up questions such as, "Explain to me how ten officers can drag a single person" or,
 17 "Are you talking about how many officers were in the area or how many were actually
 18 doing the dragging?" The Lieutenant doing this interview concludes there is no evidence to
 19 support Mr. ██████ claims, a conclusion contradicted by two of the incarcerated persons.¹³⁴

20 93. I found another document that includes interviews of additional incarcerated
 21 people.¹³⁵ One said he didn't see anything (██████). Another said he witnessed staff
 22 "whoopin' on him" (██████). Another said he was unable to see the incident (██████). A
 23 fourth person said he saw Mr. ██████ on the ground being "socked" (██████). Nevertheless,
 24

25 ¹³¹ Warner Decl., ¶ 33

26 ¹³² See **Exhibit T**

27 ¹³³ *Ibid.*, at 5

28 ¹³⁴ *Ibid.*, at 8-9.

¹³⁵ See **Exhibit U**

1 the interviewer concludes there is no evidence to support Mr. [REDACTED] allegation; instead of
 2 taking seriously the discrepancy between staff reports and the witness statements, the
 3 interviewer concludes solely on the basis of his bias in favor of staff that “it is reasonable
 4 to believe the inmate witnesses are favoring the appellant to aid in his allegations¹³⁶.”

5 94. To summarize the statements of the incarcerated people, including
 6 Mr. [REDACTED] there was one who said he did not see any abuse; four who said they did not
 7 witness the event; one who said he only heard a scuffle; and five who reported Mr. [REDACTED]
 8 was indeed assaulted. Contrary to Mr. [REDACTED] report, it is my opinion this constitutes
 9 important evidence and illustrates failure of the investigative process.

10 95. In his declaration, Mr. [REDACTED] alleges that staff used unnecessary force against
 11 him after he protested the use of force against Mr. [REDACTED] on September 16, 2019.¹³⁷ Medical
 12 staff noted that Mr. [REDACTED] “had to be taken down by the guards said his head was slammed
 13 against the ground...”¹³⁸ Swelling was noted on his ankle, as well as thickening of soft
 14 tissue in his scalp indicating a possible scalp hematoma.¹³⁹

15 96. In her incident reports, Sergeant [REDACTED] reports that, after the incident,
 16 Mr. [REDACTED] was escorted out of the unit without incident.¹⁴⁰ In the incident reports that I have
 17 reviewed, it does not appear that there is any explanation for Mr. [REDACTED] injuries. The fact
 18 that the officers do not describe using force against Mr. [REDACTED] who was later hospitalized
 19 and documented to have injuries, reduces the credibility of these incident reports
 20 substantially.

21 97. Mr. [REDACTED] was taken to an outside hospital after he was assaulted at KVSP in
 22 September 2019.¹⁴¹ He suffered, “significant bruises to [his] face and head, some swelling
 23

24 ¹³⁶ *Ibid.*, at 3

25 ¹³⁷ Declaration of [REDACTED] ¶¶ 15-17

26 ¹³⁸ See **Exhibit V** (a true and correct copy of documents from Mr. [REDACTED] medical file)

27 ¹³⁹ *Ibid.*

28 ¹⁴⁰ See **Exhibit W**

¹⁴¹ See **Exhibit X** (a true and correct copy of excerpted documents from Mr. [REDACTED] medical file)

1 of my head, and bruises to [his] ribs.”¹⁴² The available records also say:

2 This writer observed the Pt to use a walker to walk into the therapeutic
3 module because he stated that his leg was "just about broken." This writer
4 observed wounds on the Pt's lower legs/ankles where he stated were the leg
5 restraints, his left eye was darkened and red. On the left side of his face, by
6 his eyebrow, the Pt was actively bleeding, as a result of an opened wound.
7 His wrists were visibly swollen.¹⁴³

8 98. Once again it is very likely that had there been a camera at KVSP to record
9 this event, it would be much more clear what actually occurred.

10 99. Finally regarding Mr. [REDACTED] he describes the impact on his mental health after
11 the September incident:

12 After the assault, I struggled with my mental health and I continue to
13 struggle to this day, even though I have moved prisons. I am scared when
14 officers walk close by me as I feel they are going to assault me. This
15 constant mistrust of staff has really made me paranoid and stressed all the
16 time. After the assault, the frequency and the loudness of the voices that I
17 hear also increase so continue to have blurriness and other vision issues
18 due to Sergeant [REDACTED] sticking her finger into my eye.¹⁴⁴

19 100. On June 29, 2018 Mr. [REDACTED] reports officers assaulted him at LAC.
20 Mr. [REDACTED] is a *Coleman* class member and has serious medical problems. Following a
21 medical crisis he was in handcuffs in the hospital. He refused to return to his cell when
22 directed to do so because he wanted a copy of his medical records. Mr. [REDACTED] then
23 describes what happened.

24 I was agitated and beside myself because of my medical condition. [REDACTED] I
25 refused to return to my cell because I needed my records. Officer [REDACTED]
26 suddenly threw me into the sink in the CTC room and I hit my head against
27 the sink and then he punched me to the ground. While he was doing this, he
28 yelled, "We don't give a fuck about your bladder." Once I was on the
29 ground, Officer [REDACTED] continued to punch me and he kicked me in my
30 [REDACTED] which was distended because I had not urinated in days. Officer
31 [REDACTED] who was also in the room, got on top of my back and kneed me.
32 Officer [REDACTED] then got on top of my body so that I was on my stomach, and
33 he pressed his knee into my back as hitting me on my head. I then
34 defecated myself because Officer [REDACTED] was assaulting me with so much

35 ¹⁴² Declaration of [REDACTED] ¶ 17

36 ¹⁴³ See **Exhibit Y** (a true and correct copy of excerpted documents from Mr. [REDACTED] medical
37 file)

38 ¹⁴⁴ Declaration [REDACTED] ¶ 29

1 force. The whole assault lasted for about three to four minutes.¹⁴⁵

2 101. In this situation Mr. [REDACTED] was already in handcuffs, giving much greater
3 control to the correctional officers. There is no justification to punch or kick him. Since
4 the person was in cuffs, this situation could and should have been managed as a controlled
5 use of force. Mental health staff could have been brought to the scene and perhaps the
6 need for force could have been avoided. A confrontation over medical records, which
7 Mr. [REDACTED] previously had in his control and which staff took from him, could have also
8 been resolved by simply allowing him to have a copy of those records, which is what he
9 had requested.

10 102. Mr. [REDACTED] medical records document that he was seen by nursing staff at
11 LAC on June 29, 2018 for “right side rib pain” and “pain on the right mid back” after an
12 “assault.”¹⁴⁶

13 103. Like others who have similar abusive encounters with CDCR officers,
14 Mr. [REDACTED] describes the impact of this incident on him personally.

- 15 • I have been trying to avoid every possible interaction with staff in
16 order to avoid getting assaulted again.¹⁴⁷
- 17 • In my time at LAC, there have been many times I needed help but did
18 not ask for it because I did not feel safe. I am afraid to ask officers for
19 help when I am having a medical issue, because of the assault I
20 experienced when I was having a very bad medical and mental health
21 crisis.¹⁴⁸
- 22 • Though I have filed 602’s and other forms about my assault, I am
23 afraid when I do so of the retaliation I might face.¹⁴⁹

24 104. A few days after the incident, on July 2, 2018, Mr. [REDACTED] was seen by
25 mental health staff in his unit, who documented that he informed them that he wanted to
26 cut himself “very much” and would do it the first chance he got. That same day, his

27 ¹⁴⁵ Declaration of [REDACTED] ¶ 13

28 ¹⁴⁶ See **Exhibit Z** (a true and correct copy of a document from Mr. [REDACTED] medical file)

¹⁴⁷ Declaration of [REDACTED] ¶ 24

¹⁴⁸ *Ibid.*, ¶ 28

¹⁴⁹ *Ibid.*, ¶ 29

1 clinician noted that he reported significant anxiety and expressed a restricted range of
2 affect, which was congruent with his reported mood.¹⁵⁰

3 105. The most obvious error here was the use of punches and kicks to subdue
4 Mr. [REDACTED]. In my experience this is inappropriate in a use of force situation unless the
5 officer determines there is an imminent threat of serious bodily harm and other use of force
6 techniques are not available due to time and circumstance. Defendants have not submitted
7 any evidence to contest Mr. [REDACTED] declaration.

8 106. Mr. [REDACTED] is a 59-year old *Armstrong* and *Coleman* class member who has a
9 hearing disability and suffers from depression and anxiety, and occasionally has suicidal
10 thoughts. On April 11, 2020, he was waiting to go to the TTA to receive wound care for
11 his stomach injury.¹⁵¹ He reports that he needed to get the dressings on his wound changed
12 daily at the order of his physician. Officers made him wait until third watch. At third
13 watch, four officers refused to transport him to the TTA. Thirty minutes later, Officers
14 [REDACTED] [REDACTED] [REDACTED] and [REDACTED] returned, made him submit to handcuffs, and escorted
15 him to a holding cell to be placed on suicide watch because he stated that he would “rather
16 die” than have his wound get infected.¹⁵² The four officers then entered the holding cell
17 donning shields, and began beating Mr. [REDACTED] with their batons and their shields. Mr. [REDACTED]
18 admits he fought back.¹⁵³ Mr. [REDACTED] required 9 stitches to his head as a result of this
19 incident, and also underwent a full battery of x-rays.¹⁵⁴ Mr. [REDACTED] was charged with an
20 RVR for battery on a peace officer after officers accused him of threatening to spit his
21 HIV-infected blood at them,¹⁵⁵ an allegation that Mr. [REDACTED] denies.

23 ¹⁵⁰ See **Exhibit AA** (a true and correct copy of an excerpted document from Mr. [REDACTED]
24 medical file)

25 ¹⁵¹ See **Exhibit BB** (a true and correct copy of a document from Mr. [REDACTED] medical file)

26 ¹⁵² Declaration of [REDACTED] ¶¶ 8-10

¹⁵³ *Ibid.*, ¶¶ 12-13

27 ¹⁵⁴ *Ibid.*, ¶ [REDACTED] *see also* **Exhibit CC** (a true and correct copy of an excerpted document
from Mr. [REDACTED] medical file)

28 ¹⁵⁵ Declaration of [REDACTED] ¶ 19

1 107. There is no indication in the materials I have reviewed that this incident
 2 described above required an immediate use of force. In my opinion the officers should
 3 have slowed this situation down and implemented controlled use of force procedures,
 4 which would have been safer for all parties involved and would have better accommodated
 5 Mr. [REDACTED] mental health. Further, this incident clearly highlights the difficulty that people
 6 with disabilities face when they ask staff for help—in this case help changing the dressing
 7 on his wound as ordered by medical staff. The inability of people with disabilities to get
 8 help from staff, and the difficulty they face including physical and verbal abuse for asking,
 9 is at the heart of this case.

10 108. In a previous incident, Mr. [REDACTED] was again beaten in response to his request
 11 for medical attention. On January 19, 2020, Mr. [REDACTED] was coughing up blood in his cell.
 12 Nursing staff ignored his concern; so Mr. [REDACTED] covered his cell window with a sheet and
 13 began yelling man down to get staff's attention. They ignored him for 20 minutes. He
 14 then told a staff member that he was feeling suicidal, and staff then ordered him to come to
 15 his door. Because he was in pain, he could not get up from his bed, so he asked them to
 16 call a lieutenant. Officer [REDACTED] and [REDACTED] then entered his cell, followed by Officers
 17 [REDACTED] and [REDACTED] and began hitting him with their shield and punching and kicking
 18 him.¹⁵⁶ After restraining him, officers forced Mr. [REDACTED] to his feet and escorted him with so
 19 much force that he tripped and fell. He could not stand up due to the pain, so officers
 20 proceeded to drag him on his stomach, where his wound was still healing, for
 21 approximately 55 feet to a holding cage.¹⁵⁷ Mr. [REDACTED] suffered bruising, pain, and
 22 headaches from this incident, and had trouble walking after as well.¹⁵⁸

23 109. Directly after the incident, a nurse entered the following into Mr. [REDACTED]
 24 medical file: "Pt states that earlier this afternoon he coughed up some bloody sputum and
 25 was concerned that he might have a lung tumor. Pt verbalizes that when he tried to get

26 ¹⁵⁶ *Ibid.*, ¶¶ 22-24

27 ¹⁵⁷ *Ibid.*, ¶¶ 27

28 ¹⁵⁸ *Ibid.*, ¶ 28

1 medical attention custody ‘came into my cell and beat me up.’ Minor swelling and
 2 abrasions noted to right face. Right ear has bruising.”¹⁵⁹ Mr. [REDACTED] later told a physician at
 3 the TTA that he was “beat up and dragged” after he had an episode of hematemesis. He
 4 was diagnosed with a possible hand fracture (which was later ruled out), and a mild
 5 appearing head injury.¹⁶⁰ He was hospitalized in connection with the incident.¹⁶¹

6 110. In opposition to Mr. [REDACTED] declaration, Defendants submit the Declaration
 7 of [REDACTED] and incorporate his incident report regarding the January 19, 2020 incident.
 8 According to Officer [REDACTED] Mr. [REDACTED] had covered his cell windows and was
 9 unresponsive. Officers then opened Mr. [REDACTED] cell door to “preserve the sanctity of life.”
 10 Officer [REDACTED] then covered Mr. [REDACTED] with his shield as Mr. [REDACTED] kicked at the officers,
 11 striking Officer [REDACTED] in his chest. The struggle continued on the floor, where officers
 12 reported Mr. [REDACTED] struck Officer [REDACTED] and attempt to grab his baton, at which point,
 13 Officer [REDACTED] hit Mr. [REDACTED] in the face. Mr. [REDACTED] was then restrained and taken to the
 14 medical office.¹⁶²

15 111. LAC’s inquiry into this investigation is entirely incomplete.¹⁶³ The
 16 investigator started by interviewing Officer [REDACTED].¹⁶⁴ In his interview, Officer [REDACTED]
 17 does not describe the struggle that occurred on the floor, nor the fact that Officer [REDACTED]
 18 punched Mr. [REDACTED] in the face, as described in Officer [REDACTED] incident report, “I
 19 observed Officer [REDACTED] strike [REDACTED] on the right cheek area...”.¹⁶⁵ Similarly, Officer
 20 [REDACTED] gave a non-descript summary of the incident, and stated that no excessive or
 21
 22

23 ¹⁵⁹ See **Exhibit DD** (a true and correct copy of a document from Mr. [REDACTED] medical file)

24 ¹⁶⁰ See **Exhibit EE** (a true and correct copy of a document from Mr. [REDACTED] medical file)

25 ¹⁶¹ See **Exhibit FF** (a true and correct copy of an excerpted document from Mr. [REDACTED] medical file)

26 ¹⁶² Declaration of [REDACTED] in Support of Defendants’ Opposition, Dkt. 3081-3.

27 ¹⁶³ See **Exhibit GG**

28 ¹⁶⁴ *Ibid.*, at DOJ-LAC00018034

¹⁶⁵ Declaration of [REDACTED] Dkt. 3081-3, Ex. A

unnecessary force was used.¹⁶⁶ Last, Officer [REDACTED] was interviewed. In his interview, Officer [REDACTED] too omits the alleged struggle on the ground, as well as the fact that he punched Mr. [REDACTED] in the face. None of the officers report dragging Mr. [REDACTED] after he was placed into restraints. No incarcerated people were interviewed, and there is no indication that the investigator even attempted to identify witnesses other than the custody staff members involved.¹⁶⁷ It is not clear why Officer [REDACTED] was not interviewed, other than the fact that Mr. [REDACTED] did not explicitly mention Officer [REDACTED] by name in his 602 appeal. It is unacceptable that this investigator did not attempt to interview all officers who used force against Mr. [REDACTED]. It is also a sure sign of incompetence that the investigator did not ask officers any questions about the serious allegation that officers dragged Mr. [REDACTED] on his healing wound across the unit.

112. In this case, there is a genuine dispute as to whether officers were warranted in conducting an emergency cell entry to “preserve the sanctity of life.” Mr. [REDACTED] states that he was fully responsive, and just unable to get out of his bed due to pain; if that is true, staff were not justified in using any force against Mr. [REDACTED]. The officers say that Mr. [REDACTED] was unresponsive, which is why they had to enter his cell. Regardless, Mr. [REDACTED] allegation is consistent with many other allegations at LAC and Corcoran that staff use emergency cell extractions to avoid having to conduct a controlled use of force in accordance with CDCR policy, which requires that mental health and managerial custody staff be present, that a cool-down period be implemented, and that the incident be captured on a hand-held video recorder. In these cases, officers conduct an emergency cell extraction under the false pretense that an incarcerated person is “unresponsive,” when, in fact, the person is fully responsive.

113. In Mr. [REDACTED] case, he boarded up and refused orders to take down the window coverings because he felt that he was being denied access to medical care without

¹⁶⁶ See Ex. G, at DOJ-LAC00018034

¹⁶⁷ *Ibid.*, DOJ-LAC00018034-5

1 justification. Instead of immediately launching into an emergency use of force, staff
 2 should have simply provided Mr. [REDACTED] with the medical care he needed for his wound. To
 3 the extent that force was necessary at all, a controlled use of force should have been used,
 4 with the associated cool-down period and hand-held video recording requirements in place.
 5 This is yet another example of staff failing to follow policies that are meant to protect the
 6 rights and welfare of incarcerated people with serious mental illness. A policy which, if
 7 appropriately followed, should result in providing accommodations to people with
 8 disabilities.

9 114. Defendants did not submit any evidence contesting Mr. [REDACTED] statements
 10 about the assault on April 11, 2020, even though Officer [REDACTED] was also involved in that
 11 incident as well. Plaintiffs have shared with me documents produced by Defendants in
 12 discovery that indicate that the April 11, 2020 incident was referred to OIA for an
 13 administrative investigation. The documents indicate that the allegation was referred
 14 because “The extent of [REDACTED] injuries documented on the CDCR 7219 Medical Report of
 15 Injury or Unusual Occurrence could not be explained by the force reported in the officers
 16 reports.”¹⁶⁸ His injuries included a closed fracture of the shoulder, two sutures to his
 17 eyebrow, three sutures to his eyelid, and six sutures to his scalp.¹⁶⁹ In his statement to
 18 medical staff, Mr. [REDACTED] said that they “beat the s— out of me”.¹⁷⁰ The next day, he told
 19 medical staff, consistent with his declaration, “I had to say I was suicidal to manipulate the
 20 system to get my wound care.”¹⁷¹ It is my understanding that this case is being
 21 investigated by OIA.

22 115. Although it would be premature to evaluate this case while it is pending
 23 investigation, a number of things in the initial record concern me. First, as noted in the
 24 referral to OIA, Mr. [REDACTED] injuries are plainly inconsistent with the amount of force
 25

26 ¹⁶⁸ See **Exhibit HH**, at DOJ-LAC00018041

27 ¹⁶⁹ *Ibid.*, DOJ-LAC00018042

28 ¹⁷⁰ See **Exhibit II**, at DOJ-LAC00018001

¹⁷¹ *Ibid.*, at DOJ-LAC00018031

1 reported by staff. Multiple officers, including Officer [REDACTED] and Officer [REDACTED] had
 2 multiple injuries to their right hands, which is consistent with Mr. [REDACTED] allegation that
 3 these officers punched him repeatedly; from their version of events, there is no way to
 4 explain these fighting wounds.¹⁷² Second, as Mr. [REDACTED] states in his declaration, officers
 5 claimed that Mr. [REDACTED] threatened to spit on them, which necessitated the further use of
 6 force. Officer [REDACTED] reports, “Inmate [REDACTED] shouted, ‘I’m going to infect all of you Fuckers
 7 with HIV (Human Immunodeficiency Virus).’”¹⁷³ Officer [REDACTED] states, “Inmate [REDACTED]
 8 stated, ‘I’m going to spit on all of you Fuckers and give you all HIV (Human
 9 Immunodeficiency Virus).’”¹⁷⁴ Although these are not copied verbatim, the unusual
 10 capitalization of “Fuckers,” the spelling out of HIV, and the structural similarities of these
 11 quotations raises the possibility that these reports were plagiarized and undermines the
 12 credibility of the officers’ reports and statements.

13 116. Of great concern, this incident is yet another indicator that staff are
 14 systematically unwilling to provide basic accommodations, like access to wound treatment,
 15 to people incarcerated at LAC. When people protest the denial of these basic
 16 accommodations, they end up getting assaulted.

17 117. Mr. [REDACTED] is an *Armstrong* and *Coleman* class member. He has a hearing
 18 disability. He reports safety concerns within the CDCR prison system. When he arrived at
 19 LAC in 2019 he reported those concerns and was placed in segregation while his concerns
 20 were investigated. He was in and out of segregation while his concerns were investigated
 21 but was ultimately released to a general population yard. Shortly after arrival in the yard
 22 he got into a fight with another incarcerated person. In fact, in his declaration he
 23 acknowledges being the aggressor because he knew that would lead to his return to
 24 segregation, where he believed he would be safer. The following day he was again placed
 25 in a general population cell but was not given any clothing, mattress or property. In his

26 ¹⁷² *Ibid.*, at DOJ-LAC00017989 and DOJ-LAC00017993

27 ¹⁷³ *Ibid.*, at DOJ-LAC00017983

28 ¹⁷⁴ *Ibid.*, at DOJ-LAC00018023

1 declaration he describes what happened next.¹⁷⁵

2 Later, dinner was served and I was fed in my cell. At around 5:00 p.m., just
3 after dinner, third watch officers came to speak with me at the front of my
4 cell. I complained about the lack of a mattress and bedding and asked to
5 speak to someone. They told me no. They did not explain what I should do.
6 I felt scared and powerless. At the time, I was restless and pacing in my cell.
7 I did not know what to do.

8 Later that evening, at approximately 8:00 p.m., an officer who was doing rounds in
9 the unit, Officer [REDACTED] asserted that I threw an unknown substance at
10 him. He pressed his alarm and shouted, "staff assault."

11 Responding Officer [REDACTED] and his partner Officer [REDACTED] immediately
12 ran to my door. They yelled at me to get down. I immediately cooperated
13 and got down on the floor of my cell. Then the officers told me to come to
14 the door and to cuff up. I got up to move to the door, but then they told me
15 to get down again, which I did.

16 Then they told the control booth officer to open the door to my cell.
17 However, they had some trouble opening the door. The officers were yelling
18 and the alarm was going. [REDACTED] were other officers gathered around the
19 cell including Officer [REDACTED]. I was down on the ground but they
20 were yelling "get down" through the door.

21 As soon as the cell door was open, Officer [REDACTED] came into the cell—even
22 though I was not yet handcuffed. This was surprising because CDCR policy
23 is that officers are not supposed to enter a cell until you are handcuffed.
24 While I was lying on the floor, Officer [REDACTED] hit me in the face, kicked
25 me, then repeatedly punched me in the face and ribs, and then kept kicking
26 me. It seemed like the assault lasted forever, but I think it was probably only
27 [REDACTED] minutes. It was a horrible experience. I feared for my life. Officer
28 [REDACTED] was screaming and calling me profanities. I have been through a lot
in my life, but I have never been beaten so severely.

At the time I was lying face [REDACTED] on the ground, not moving with my hands
behind my back. Officer [REDACTED] was yelling "STOP RESISTING," even
though I was not resisting at all. Officer [REDACTED] then pulled my boxers
down, put his finger in my rectum, and called me a sex offender. When I
told later custody investigator [REDACTED] about the incident, they
did not believe that Officer [REDACTED] would have sexually violated me in this
manner. I offered to take a polygraph test about the incident, and I continue
to make that offer to this day.¹⁷⁶

118. Again, even assuming Mr. [REDACTED] had thrown something at the staff (which I
do not), the proper procedure would have been to implement the controlled use of force
procedures. In my opinion it is very clear that officers at other CDCR prisons fail to

¹⁷⁵ Declaration of [REDACTED] ¶¶ 6-11

¹⁷⁶ *Ibid.*, ¶¶ 13-18

1 implement controlled use of force procedures, just as I found of officers at RJD.

2 119. But the abuse of Mr. [REDACTED] was not over. Following the incident described
3 above, Mr. [REDACTED] reports he was escorted to the gym where Officer [REDACTED] assaulted
4 him with punches and kicks.¹⁷⁷

5 120. Mr. [REDACTED] was injured as a result of these staff assaults. He was transported
6 to an outside hospital where it was determined that his jaw was dislocated and he required
7 surgery.¹⁷⁸

8 121. Mr. [REDACTED] filed a complaint about his treatment. He describes the response
9 he received regard his anal rape allegation.

10 The medical staff in the TTA refused do any kind of rape examination—they
11 said they did not believe me and that it was impossible that an officer would
12 do that. I felt degraded and ashamed just talking about the sexual assault,
and the fact that medical staff did not believe me was like adding insult to
injury.¹⁷⁹

13 On January 14, 2020, roughly nine days after the assault, Lieutenant [REDACTED]
14 finally interviewed me about the attack. During the interview, he accused
me of lying and sa [REDACTED] should recant my statement about the sexual
assault by Officer [REDACTED]. He told me that if I recanted my statement, he
15 would help me with my safety concerns. I refused to recant my statement,
because it was true. This interview was recorded on videotape.¹⁸⁰

16
17 122. Based on my understanding of PREA requirements, it would be completely
18 inappropriate for medical staff to refuse to do “any kind of rape investigation” even if they
19 did not believe the allegation to be true. It is equally inappropriate for an officer, in this
20 case a Lieutenant, to ask an incarcerated person to recant his statement about being
21 sexually assaulted in exchange for helping the person with a safety concern.

22 123. Towards the end of his declaration Mr. [REDACTED] offers his opinion on why he
23 and others like him believe such incidents happen.

24 I believe I was targeted for assault in part because I am a sex offender, and

25 ¹⁷⁷ *Ibid.*, ¶ 23

26 ¹⁷⁸ ¶¶ 28-30; *see also* **Exhibit JJ** (a true and correct copy of a document from Mr.
[REDACTED] medical file)

27 ¹⁷⁹ *Ibid.*, ¶ 31

28 ¹⁸⁰ *Ibid.*, ¶ 33

1 also because I am disabled and use hearing aids, and because I am in the
 2 mental health program. It is my belief based on interactions with officers at
 3 LAC, that the staff here resent people in the mental health program and
 4 people with disabilities, because they do not like us asking for assistance and
 5 accommodations. They become callous and resentful towards all prisoners,
 6 but especially towards people who need help or take more time to interact
 7 with because of their disabilities. For example, because of my hearing
 8 impairment, I do not always hear officers' instructions the first time, and I
 9 have to ask them to repeat themselves. This oftentimes makes them angry
 10 and combative with me.¹⁸¹

124. Defendants do not submit any evidence to contest Mr. [REDACTED] declaration.

125. Mr. [REDACTED] is a *Coleman* class member who was housed at Corcoran
 from January 2017 to January 2020. On September 3, 2019 he was a victim of staff
 misconduct. During a pat search by Officer [REDACTED] the officer grabbed his penis and
 testicles—a PREA (Prison Rape Elimination Act) incident. He told the officer to stop and
 then the officer took his ID from him. Mr. [REDACTED] then reported what had happened to
 a sergeant and filled out a complaint about the treatment he received.¹⁸² In his declaration
 he describes what happened next.

At about 10:00 AM, while I was walking [REDACTED] escorted from my housing unit to
 the clinic for my appointment, Officer [REDACTED] approached me outside of
 medical and grab [REDACTED] by the back of my shirt. I fell backwards and hit the
 ground. Officer [REDACTED] grabbed the completed 60 [REDACTED] m that I had
 completed to file a complaint against her. Officer [REDACTED] then placed his feet
 on my chest and said "don't fucking move" and rolled me to my stom [REDACTED]
 Then both officers helped me off the ground and cuffed me. Officer [REDACTED]
 put her knee in my back and slammed me against program office. She
 searched me again, and again touched my penis. I jumped and she asked me,
 "What, you do [REDACTED] getting search [REDACTED] y woman? Are you fucking gay?"
 Then, Officer [REDACTED] and Officer [REDACTED] escorted me into the program
 office.

Sergeant [REDACTED] Sergeant [REDACTED] and O [REDACTED] were al [REDACTED]
 program office when we got there. Sergeant [REDACTED] and Officer [REDACTED] to
 pat me down again. I [REDACTED] t sure why. Officer [REDACTED] started to pat me
 down again. Officer [REDACTED] then falsely told th [REDACTED] she felt a [REDACTED]
 during t [REDACTED] arch. All [REDACTED] said that, Serg [REDACTED] Sergeant [REDACTED]
 Officer [REDACTED] Officer [REDACTED] and Officer [REDACTED] beat me in the program
 office for approximately five minutes. I was handcuffed and fell to the
 ground. They were punching and kicking me while I was on the ground. I
 wasn't thinking, I just tried to survive.¹⁸³

¹⁸¹ *Ibid.*, ¶ 35

¹⁸² Declaration of [REDACTED] ¶¶ 7-8

¹⁸³ *Ibid.*, ¶¶ 9-10

1 126. The officers say that they found a weapon and drugs during the search.
 2 Mr. [REDACTED] received an RVR related to this incident. But during the hearing the
 3 hearing officer determined that several questions related to the PREA allegation to Officer
 4 [REDACTED] were “irrelevant”.¹⁸⁴ Those questions should have included:

- 5 • Did the officer grab the penis and testicles?
- 6 • Did the incarcerated person tell the officer to let go of his penis and
 7 testicles?
- 8 • Why didn’t the officer let go of the penis and testicles when asked?
- 9 • Did the officer know that such behavior such behavior was
 10 disrespectful and/or sexual harassment?
- 11 • During the search did the officer swipe past his penis, causing him to
 12 jump backwards?
- Did you try and cover up what happened during the early morning
 chow?

13 127. It is entirely possible that the statements of the officer about finding a
 14 weapon and drugs and Mr. [REDACTED] statement that he was inappropriately touched are
 15 both true. It is a significant omission that the hearing officer failed to at least attempt to
 16 find out. Assuming Mr. [REDACTED] statement is true, it sheds light on his reaction to
 17 what happens next.

18 128. Mr. [REDACTED] was then placed in a holding cell awaiting placement in
 19 segregation. He describes what happened during the escort to segregation.

20 When we reached the pedestrian [REDACTED] Officer [REDACTED] walked back into the
 21 program office. I asked Officer [REDACTED] were wait [REDACTED] e said,
 22 “u will see right [REDACTED] w.” Then Officer [REDACTED] Officer [REDACTED] Officer
 23 [REDACTED] and [REDACTED] r [REDACTED] cam [REDACTED] the gym th [REDACTED] the pede [REDACTED] n gate.
 24 t [REDACTED] [REDACTED] nt [REDACTED] Officer [REDACTED] Officer
 25 [REDACTED] Officer [REDACTED] Officer [REDACTED] and a lieutenant whose last
 26 name began with M (he was white and taller than I am) came from the
 program office [REDACTED] pulled me int [REDACTED] strian gate, outside of the
 gym. Officer [REDACTED] and Officer [REDACTED] slammed me to the ground.
 The rest of the group started punching me. During the atta [REDACTED] s wearing
 waist and ankle chains. I was hit with a baton by Officer “ [REDACTED] near my
 chin, which knocked me unconscious. I think this may be when my jaw was
 broken.

27 I believe that Sergeant [REDACTED] Officer [REDACTED] and Officer [REDACTED] continued

28 ¹⁸⁴ *Ibid.*, ¶ 22

1 walking me to the overflow hole in 3A, but I was dazed and cannot exactly
 2 remember. On the way to 3A, while still on the yard, I was slammed again and
 3 slammed against a wall by all three people. Sergeant [REDACTED] Office
 4 [REDACTED] and Officer [REDACTED] started punching me against the wall. Sergeant [REDACTED]
 5 slammed my head against the wall. They punched me all over my body.
 6 They knocked me unconscious again and I lost my eye glasses, which still
 7 have not been replaced.¹⁸⁵

8 129. Mr. [REDACTED] was taken to an outside hospital where he stayed for two days
 9 and it was determined that indeed his jaw was broken in two places.¹⁸⁶

10 130. Mr. [REDACTED] was first assaulted and then threatened with retaliation if he
 11 filed a complaint. The lieutenant who interviewed him on video camera said, "...if you
 12 make a fucking statement you'll get worse".¹⁸⁷ Also, Mr. [REDACTED] says, "I did inform
 13 my clinicians at COR about this incident, but they only told me to "stay away from the
 14 correctional officers",¹⁸⁸ a sorry response from a group of staff that should be advocating
 15 for the safety of incarcerated people but offered Mr. [REDACTED] not even a remote
 16 possibility of protection.

17 131. Defendants' expert Mr. Baldwin addresses Mr. [REDACTED] case in his
 18 declaration. But rather than address the issues of unnecessary/excessive use of force and
 19 retaliation, he simply concludes that this case shows Mr. [REDACTED] understands how to
 20 appeal, that he is not an *Armstrong* class member and bizarrely, that Mr. [REDACTED]
 21 suffered no retaliation.¹⁸⁹

22 132. The pattern of frequent and serious injuries resulting from UOF events in
 23 CDCR prisons—in this case a broken jaw—is far beyond what I have seen in any other
 24 jurisdiction. I do not understand how Mr. Baldwin could summarily conclude that CDCR
 25 performed a "genuine" investigation in this case when neither he nor CDCR reconciles
 26

27 ¹⁸⁵ *Ibid.*, ¶¶ 13-14

28 ¹⁸⁶ *Ibid.*, ¶ [REDACTED] **Exhibit KK** (a true and correct copy of an excerpted document
 from Mr. [REDACTED] medical file)

¹⁸⁷ *Ibid.*, ¶ 21

¹⁸⁸ *Ibid.*, ¶ 25

¹⁸⁹ Declaration of Baldwin in Support of Defendants' Opposition ("Baldwin Decl."), Dkt.
 3083-4, ¶¶ 46-47

1 Mr. [REDACTED] serious injury—a broken jaw—with a finding that force was appropriate
 2 and retaliation did not occur. The conclusion of the inquiry relied on by Mr. Baldwin
 3 simply states that there is “no evidence” to support Mr. [REDACTED] allegations.¹⁹⁰ That is
 4 not true. An outside hospital confirms serious bodily injury. It cannot be a genuine
 5 investigation without any explanation for that fact.

6 133. Mr. [REDACTED] is an *Armstrong* and *Coleman* class member. He is a full-time
 7 wheelchair user who is also incontinent and suffers a seizure disorder. His complaints
 8 involve straightforward denials of accommodations for people with disabilities at LAC,
 9 including assistance from ADA workers, providing extra showers after accidents,
 10 providing bags to dispose of dirty diapers and wipes, and access to a safe path of travel.
 11 Mr. [REDACTED] explicitly names Officer [REDACTED] as one of the worst offenders when it comes
 12 to failing to accommodate class members.¹⁹¹ While this declaration does not involve
 13 broken bones or a horrifyingly excessive use of force, it says a lot about the broken
 14 custody culture at LAC. Because Mr. [REDACTED] has so frequently been denied
 15 accommodations, as well as been witness to violence against other people with disabilities,
 16 he feels that he “cannot ask staff for anything.”¹⁹² This sentiment is expressed by many of
 17 the LAC declarants. That staff at LAC are perceived as neglecting the needs of people
 18 with disabilities is a problem in itself, as it means that people with disabilities will be less
 19 likely to ask for help or request accommodations from staff. That, combined with the
 20 rampant abuse of people with disabilities, creates a culture and environment where people
 21 with disabilities have no outlet to help them get what they need.

22 134. In opposition to Mr. [REDACTED] declaration, Defendants submit the
 23 Declaration of Lieutenant [REDACTED] and incorporate Lieutenant [REDACTED] inquiry into
 24 Mr. [REDACTED] allegations.¹⁹³ Lieutenant [REDACTED] chronicles his investigation, noting that

25
 26 ¹⁹⁰ See **Exhibit LL**, at 8.

27 ¹⁹¹ Declaration of [REDACTED] ¶¶ 9-14

28 ¹⁹² *Ibid.*, ¶¶ 13, 19

¹⁹³ Declaration of [REDACTED] in Support of Defendants’ Opposition, Dkt. 3080-4

1 he interviewed an Officer [REDACTED] (sic), who denied ever refusing toilet paper to
 2 incarcerated people.¹⁹⁴ Another officer interviewed affirmed that Officer [REDACTED] does not
 3 deny incarcerated people toilet paper. Finally, one incarcerated person was interviewed,
 4 and he affirmed that Officer [REDACTED] never denies toilet paper to incarcerated people. It
 5 does not appear that Mr. [REDACTED] allegations about the denial of showers, ADA workers,
 6 or access to a safe path of travel was ever investigated.

7 135. This inquiry was shallow, incomplete, and incompetent. Instead of
 8 interviewing a random incarcerated person, the investigator should have identified
 9 someone who struggles with toileting and incontinence issues, as they would be most
 10 knowledgeable about whether officers customarily denied people access to toilet paper and
 11 showers. Mr. [REDACTED] triggered this inquiry with a Form 1824 regarding the denial of
 12 toilet paper filed on October 1, 2017 and stamped as received on October 6, 2017.
 13 Inexplicably, he was not interviewed until nine months later, on July 29, 2018. Even
 14 Mr. [REDACTED] noted that “it’s been so long almost a year that all the issues have already
 15 been addressed.”¹⁹⁵ Nonetheless, he affirmed that Officer [REDACTED] denied him toilet paper
 16 and told him to use his “sheet to wipe” himself at some point.¹⁹⁶ That this inquiry was not
 17 completed until August 19, 2018, more than 10 months after Mr. [REDACTED] submitted his
 18 appeal, reveals the obvious dysfunction of the LAC investigative process. Based on the
 19 nature of this very incomplete inquiries—only four brief interviews were conducted, and
 20 few incarcerated people were identified and interviewed—I would expect that this inquiry
 21 would have been fully concluded within 2 weeks of the receipt of Mr. [REDACTED] appeal.
 22 And yet, the inquiry took more than 10 months to complete, and even then, it suffered
 23 from a number of deficiencies.

24 136. Mr. [REDACTED] is a *Coleman* class member at the CCCMS level of care. Although
 25

26 ¹⁹⁴ It is not clear whether Officer [REDACTED] in Mr. [REDACTED] declaration is meant to refer to
 27 Officer [REDACTED]

28 ¹⁹⁵ *Ibid.*, Ex. A, at 1-2

¹⁹⁶ *Ibid.*

1 not an *Armstrong* class member, he does have a special cuffing chrono for waist chains and
 2 he is not to be cuffed behind his back.¹⁹⁷ In his declaration he describes an incident that
 3 happened to him at CCI on February 18, 2020. Officers came to his living unit and
 4 instructed him to cuff up. He told the officer about his cuffing chrono and reports that
 5 Officer ██████ said, “I don’t give a fuck, cuff up”.¹⁹⁸ Mr. ██████ complied. He was
 6 escorted out of the building and to the area with Ad Seg exercise cages. He then reports
 7 what happened to him:

8 Once we got to the second to last cage, ██████ and one of the officers say “right
 9 here, right here.” Then I heard Officer ██████ say, “So you like to make
 10 threats, huh?” and he punched me in the back of the head. It is my
 11 understanding that they stopped in a “b ██████ ot” where the cameras could
 12 not see us. Next thing I knew, Officer ██████ struck me again, this time in
 13 the right side of my face, which made the left side of my head bash into the
 14 wall. I fell to my knees. While I was on the ground, still cuffed, they began
 to kick and pu ██████ e in t ██████ face, and body. While they were beating
 me, Officers ██████ and ██████ kept repeating, “So you like to make
 threats huh?” I tried to bury my head in my chest to protect myself. One of
 the officers was trying to hold me down while the other officers hit me. The
 beating lasted for one to two minutes. At one point, I blacked out because I
 was so dizzy from the officers hitting me in the head.¹⁹⁹

15 Shortly thereafter he says that Sergeant ██████ said to him, “Shut the fuck up before I beat
 16 your ass, write you up for staff assault, and add 20 more years to your 2038 date”.²⁰⁰

17 137. It wasn’t until after all this occurred that Mr. ██████ was informed about why
 18 he was placed in cuffs and in the cage. A Lieutenant told him that someone had “dropped
 19 a kite” saying he had made threats against officers. This would explain why the officers
 20 had previously accused him of making threats.

21 138. The reports from the officers involved do not admit to assaulting
 22 Mr. ██████.²⁰¹ Rather, they say the he resisted being placed in the exercise cage requiring
 23 them to implement immediate use of force.

24
 25 ¹⁹⁷ See **Exhibit MM** (a true and correct copy of a document from Mr. ██████ medical file)

26 ¹⁹⁸ Declaration of ██████ ¶ 7

27 ¹⁹⁹ *Ibid.*, ¶ 8

28 ²⁰⁰ *Ibid.*, ¶ 11

²⁰¹ See **Exhibit NN**

1 139. Mr. Baldwin wrote about this incident in his declaration. He said:

2 I believe the incident report concerning the incident with inmate [REDACTED] should
3 have been more thorough, which makes it difficult to determine what
4 actually happened in that incident.²⁰²

5 In my opinion there is a clear solution to Mr. Baldwin's concern—provide coverage of the
6 area with surveillance cameras, or even better, require the officers to wear body cameras.
7 If those changes were implemented, there would be little question about what occurred in
8 this (and many other) incidents.

9 140. Mr. [REDACTED] filed a complaint about excessive force and the failure of the
10 officers to follow his chrono requiring he be restrained with waist chains and not to be
11 cuffed behind his back.²⁰³ His complaint for excessive force was denied but the issue of
12 cuffing was not addressed in the response he received from CDCR. Despite this issue
13 being clearly stated by Mr. [REDACTED] in his complaint, it is not identified as an appeal issue in
14 the appeal response.²⁰⁴ It was simply ignored.

15 141. Mr. Baldwin ultimately dismissed Mr. [REDACTED] complaint because he is not an
16 *Armstrong* class member.²⁰⁵ He ignores Mr. [REDACTED] unaddressed chrono about cuffing and
17 his mental illness. Mr. [REDACTED] tells us the impact on his mental health in his declaration.

18 Since the attack, my mental health has deteriorated. The progress that I had
19 made with my depression, paranoia, and anxiety vanished after I was beat up
20 on February 18, 2020. I can't sleep at night and stay awake having paranoid
21 thoughts. I have flashbacks about the incident almost every day. I am barely
22 able to eat due to my anxiety. I can't stop thinking about the threats that Sgt.
23 Ybarra made about adding time to my sentence.²⁰⁶

24 142. Mr. [REDACTED] is an *Armstrong* and *Coleman* class member at the EOP level of
25 care. He has a mobility impairment that requires he use a cane to ambulate. He was
26 housed at KVSP from July 2018 to September 2019. He too reports retaliation for filing
27

28 ²⁰² Baldwin Decl., ¶ 35

²⁰³ See **Exhibit OO**

²⁰⁴ *Ibid.*, at 1

²⁰⁵ Baldwin Decl., ¶ 50

²⁰⁶ Declaration of [REDACTED] ¶ 18

1 complaints and physical abuse at the hands of KVSP correctional officers. On January 22,
 2 2019 he filed a 602 grievance about ongoing issues with Officer [REDACTED] This grievance
 3 was co-signed by 10 other incarcerated people.²⁰⁷ On January 29, 2020, Mr. [REDACTED] had a
 4 verbal disagreement with officers in his living unit. In his declaration he describes what
 5 happened next.

6 Officer [REDACTED] and Officer [REDACTED] then started approaching me from where
 7 they were standing in front of the nurse's station near the door of Section B,
 8 and as they walked towards me I saw them reach for their batons and pepper
 9 spray. Officer [REDACTED] started yelling at me to "get down." I told him that I
 10 am mobility impaired, so I could not get down on the floor. I sat down at the
 11 table instead of lying down.

12 Officer [REDACTED] then handcuffed me behind my back while I was in my seat
 13 at the table. After he handcuffed me, he grabbed my head with at least one
 14 of his hands and slammed my head face first into the table. [REDACTED] r three
 15 After he slammed my face into the table, Officer [REDACTED] Officer
 16 [REDACTED] and one or two other officers whose names I do not recall forced me
 17 to stand up and walk without my cane while still handcuffed, to the holding
 18 cage.²⁰⁸

19 I believe that Officer [REDACTED] assaulted me because I had reported him via
 20 filing a 602 about a week prior to the incident.²⁰⁹

21 143. But several days later Mr. [REDACTED] withdrew his complaint and he began to
 22 fear further retaliation. He says,

23 A sergeant whose name I do not recall called me to his office after I filed the
 24 appeal and told me I could withdraw the appeal, or I would not get my
 25 package that was in the package room. He also said he would make sure that
 26 I caught a case if I did not withdraw the appeal. He also told me that he was
 27 forcing me to withdraw my appeal so that his lieutenant did not have to do
 28 the required videotaped use of force interview. I was scared of further
 retaliation for pursuing the appeal, so I decided to withdraw it.²¹⁰

144. In his declaration Mr. Warner says that interviews with inmates
 "corroborated" the officers' report and did not support Mr. [REDACTED] version of events.²¹¹ I

²⁰⁷ Declaration of [REDACTED] ¶ 11

²⁰⁸ *Ibid.*, ¶¶ 9-10

²⁰⁹ *Ibid.*, ¶ 12

²¹⁰ *Ibid.*, ¶ 11

²¹¹ Warner Decl., ¶ 28

1 have been able to find only one interview with Mr. [REDACTED].²¹² Mr. [REDACTED] who was
 2 interviewed regarding this incident, did not report seeing any use of force against
 3 Mr. [REDACTED]. However, this person was Mr. [REDACTED] cellmate. It is likely he was well
 4 aware that Mr. [REDACTED] had withdrawn his appeal because he was afraid of further
 5 retaliation. It is unlikely Mr. [REDACTED] would report use of force against Mr. [REDACTED] if
 6 he knew his cellmate was afraid of retaliation.²¹³ It is unacceptable that CDCR did not
 7 attempt to interview other incarcerated people during this inquiry.

8 145. In his declaration, Mr. Warner does not say whether this incident was related
 9 to Mr. [REDACTED] disability. One possible reason he does not opine on that issue is because
 10 this incident is so clearly related to Mr. [REDACTED] disability. When Mr. [REDACTED] was
 11 ordered to get down by an officer, he was wearing his mobility impaired vest that indicates
 12 that he cannot get down on the ground due to his disability. When he protested the
 13 officer's order because he could not comply due to his disability, the officer handcuffed
 14 him, grabbed his head, and slammed it face-first into the table. He was then made to walk
 15 to a holding cage without his cane.

16 146. Mr. Warner also writes about another incident that occurred with
 17 Mr. [REDACTED] this one on July 8, 2019. In this incident Mr. [REDACTED] was told to sit at a table
 18 and he complied. The officers then report that Mr. [REDACTED] became vocal and resistive and
 19 they ordered him cuffed. Again he complied. Officers then determined that Mr. [REDACTED]
 20 needed to be taken to a holding cell and they lifted him by the arms and assisted him to the
 21 holding cell.²¹⁴ Mr. [REDACTED] is mentally ill and requires a cane to walk. Mr. [REDACTED]
 22 reports he was, "picked up by my neck and arms and forced to walk to the holding cage
 23 without my cane". He also says his leg hurt after this incident and that his shoulder was
 24 injured.²¹⁵ Mr. Warner concludes there "was not sufficient evidence to conclude that staff

25 ²¹² Declaration of [REDACTED] in Support of Defendants' Opposition, Dkt. 3077, at DEFS488

26 ²¹³ *Ibid.*

27 ²¹⁴ See **Exhibit PP**

28 ²¹⁵ Declaration of [REDACTED] ¶ 16; see also **Exhibit QQ** (a true and correct copy of an
 (footnote continued)

[3618027.3]

1 improperly used force against [REDACTED].²¹⁶ I do not disagree. However, as a correctional
 2 practitioner who paid close attention to use of force events, if I were reviewing this
 3 incident I would question why the unspecified agitation of Mr. [REDACTED] was sufficient to
 4 put this mentally ill person who requires the use of a cane to be handcuffed.

5 147. Officers assaulted Mr. [REDACTED] on August 27, 2019, in the yard on the same
 6 day that Mr. [REDACTED] was assaulted by officers in the same location.

7 Officer [REDACTED] and Officer [REDACTED] two other officers who had
 8 responded to the fight, then walked over to me where I was sitting on the
 9 ground playing chess and told me to prone out, meaning lie face down on the
 10 ground. I told them I was mobility impaired. I was not wearing my mobility
 11 vest because medical staff had still not given it back to me yet, but my cane
 12 was lying next to me on the ground. If I had my mobility vest, I would have
 been wearing it. The vest signals to staff that I am unable to get down during
 an alarm. Even though I had not gotten my vest back, I was also certain that
 these officers knew about my mobility issues, since they knew me from the
 unit and knew I had reported various issues getting my DMEs.

13 [REDACTED] told them I could not get up because of my disability, Officer
 14 [REDACTED] and Officer [REDACTED] rushed at me and started punching me and
 15 hitting me with their batons. They also kicked [REDACTED] number of times. The
 16 assault lasted about two minutes. Sergeant [REDACTED] was near the officers
 and saw the whole thing. Blood was running down my face. I was
 handcuffed and shackled at the leg during the assault. After I was
 handcuffed and shackled, Officer [REDACTED] joined in and pushed and grinded
 my head into the concrete and punched me several times in the head.²¹⁷

17 Mr. [REDACTED] was taken to an outside hospital for medical treatment following this assault.
 18 His nose was broken and he suffered a number of cuts and bruises.²¹⁸ Based on my
 19 review, no officers in their incidents reports indicate that they punched Mr. [REDACTED] in the
 20 face.²¹⁹ They report that Mr. [REDACTED] when being taken to the ground, landed on one
 21 officer's hand and fractured it. Officers also report that they used force to restrain
 22 Mr. [REDACTED] once on the ground. The fact that the use of force reported by the officers
 23 cannot explain all of his injuries undermines the credibility of these officers' reports. It is

24 _____
 excerpted document from Mr. [REDACTED] medical file)

25 ²¹⁶ Warner Decl., ¶ 29

26 ²¹⁷ Declaration of [REDACTED] ¶¶ 19-20

27 ²¹⁸ *Ibid.*, ¶ [REDACTED] also **Exhibit RR** (a true and correct copy of an excerpted document
 from Mr. [REDACTED] medical file)

28 ²¹⁹ See **Exhibit SS**

1 my understanding that Mr. Warner, during deposition, also suggested that it was possible
 2 for Mr. [REDACTED] to have broken his nose during the force incident if he were turning over
 3 on his face on cement. As with the officers' explanations of his injuries, I find Mr.
 4 Warner's explanation to also undermine his credibility. Perhaps more importantly, the
 5 officer's explanation for how he broke his hand defies logic. A much more likely
 6 explanation is that the officer broke his hand when he punched Mr. [REDACTED] Mr. Warner
 7 does not mention these glaring inconsistencies in his report, and neither do the managers at
 8 KVSP reviewing the incident report or the investigator who conducted the appeal
 9 inquiry.²²⁰

10 148. In their incident reports, the two officers both make comments about being
 11 unable to see the other officer's actions due to their positions. Officer Campbell reports:

12 [REDACTED] my position and focus [REDACTED] left arm I could not see Officer
 13 [REDACTED] placement on [REDACTED] The use of force was effective as
 14 Inmate [REDACTED] landed on his facial and stomach area with me still in control
 15 of his left wrist [REDACTED] shoulder. I landed in the [REDACTED] g po [REDACTED] n the left
 16 side of Inmate [REDACTED] I could see Officer [REDACTED] on [REDACTED] ight side
 controlling his right [REDACTED] Do to my position and [REDACTED] on [REDACTED] I did not
 observe if Officer [REDACTED] assisted me forc[REDACTED] to the ground or the
 techniques he utilized to maintain control of [REDACTED] right arm²²¹

17 Similarly, in Officer [REDACTED] report, he notes: "I was unable to see any other physical
 18 force being used to force [REDACTED] to the ground."²²²

19 149. It concerns me that both of these officers failed to report the force they
 20 witnessed the other using, even though they were working in conjunction to bring
 21 Mr. [REDACTED] to the ground. If officers are working in tandem to restrain someone or bring
 22 someone to the ground, they need to be at least minimally aware of each other's actions in
 23 order to effectively bring the person into compliance. If they truly could not make sense of
 24 each other's actions, they would be working at cross purposes (for example, with one
 25 officer applying force in a certain direction that undermined the force being used by the

26 ²²⁰ See Exhibit TT

27 ²²¹ Ex. SS, at 12

28 ²²² *Ibid.*, at 14

1 other officer). Because these officers were successful in restraining Mr. [REDACTED] I believe
 2 that they must have at least witnessed *some* of the force used by the other officer. The fact
 3 that they both report that they did not witness the other using force is not credible and
 4 defies logic. Mr. Warner does not notice this inconsistency in his report.

5 150. Mr. Warner comments that there “is no indication that the inmate was being
 6 targeted for harassment or because of a disability.”²²³ I respectfully disagree. Just as with
 7 the January 29, 2019 assault, this incident was precipitated by a request for
 8 accommodation. During an alarm, Mr. [REDACTED] told officers that he had a mobility
 9 disability and could not get down on the ground. While he was not wearing his mobility
 10 vest at the time, he had his cane on his person and he was sufficiently familiar to the
 11 officers that they recognized, or should have recognized, him as having a mobility
 12 disability that allows him to stand, rather than lie, in place during alarms. After
 13 Mr. [REDACTED] requested the accommodation, the officers rushed him and started assaulting
 14 him. When he was video interviewed by staff after the incident, he made the exact same
 15 allegation: that officers assaulted him after he asked for an accommodation for his mobility
 16 disability, in the form of being allowed not to lie down during an alarm.²²⁴ How
 17 Mr. Warner came to the conclusion that this incident was not “because of [Mr. [REDACTED]
 18 disability” escapes me.²²⁵

19 151. In his own words, Mr. [REDACTED] also describes the impact of his experience at
 20 KVSP, especially in terms of his ability to get accommodations for his disability:

21 In my time at KVSP, there were many times that I needed help but didn’t ask
 22 for it because I was afraid of what would happen to me. As described
 23 before, in the times I did ask for help, I was either abused or ignored.
 24 Eventually, I stopped asking for as much help, but when I did, I was
 25 extremely scared. I was especially scared during the times that staff were not
 26 giving me my mobility accommodations, so I had no way of moving around
 27 and advocating for myself. When I cannot move around easily, staff have
 28 even more control over me because I rely on them to do everything for me.
 When staff do not help me in this situation, I feel powerless. I had a period
 after these assaults where I was resigned to killing myself and would talk

²²³ Warner Decl., ¶ 30

²²⁴ See **Exhibit UU**

²²⁵ Warner Decl., ¶ 30

1 about it with people as something I was seriously considering.²²⁶

2 152. Ms. [REDACTED] is a *Coleman* class member and a transgender person. She was
 3 previously at CCI but now resides at SATF. She was an ADA worker, assigned to assist
 4 people with disabilities. In July of 2019 she was assigned to assist a disabled person in 7
 5 Block but Officer [REDACTED] [REDACTED] threatened her with physical violence if she tried to help
 6 anyone with disabilities. Later that month after finishing her duties with a disabled person
 7 she was confronted by Officer [REDACTED] who told her she had been fired from her position
 8 as an ADA worker. She then stopped reporting for work. About two weeks later a
 9 Sergeant asked her why she had not been showing up for her job. The Sergeant told her
 10 that Officer [REDACTED] lied to her and that she had not been fired. She did not file a 602
 11 for fear of retaliation. In October of 2019 she reported this information to Plaintiffs’
 12 counsel in a telephone call. In the days following that call she was threatened with
 13 physical assault and disciplinary action. After a cell search where some of her property
 14 wound up missing she asked the officers in the unit for a cell search receipt. She reports
 15 that Officer [REDACTED] said, “You know why your cell was searched. You need to stop doing
 16 what you’re doing or you’re going to get your ass beat and face a staff assault charge.”²²⁷
 17 She believes this indicates the cell search was retaliation for reporting the behavior of
 18 Officers [REDACTED] [REDACTED] and [REDACTED] to Plaintiffs’ counsel. The following day two other
 19 officers demanded to search her cell again. She feared she would be assaulted if she
 20 questioned them about why they were searching her cell so she did not. The day after that
 21 she asked to use the phone in another unit, as the phones in her unit were not working. She
 22 wanted to call Plaintiffs’ counsel again to report the most recent retaliation. Her request
 23 was refused and she asked to speak with a Sergeant. She then reports:

24 [REDACTED] inst [REDACTED] rted me to a medical holding tank with Officer
 25 [REDACTED] Officer [REDACTED] entered the holding tank with m [REDACTED] e Officer
 26 [REDACTED] waited outside. Inside the holding tank, Officer [REDACTED] told me
 that I could go back to my cell, or I could go to the sergeant to make the
 telephone call as I requested, and “face the consequences.” She told me that

27 ²²⁶ Declaration of [REDACTED] ¶ 35

28 ²²⁷ Declaration of [REDACTED] ¶ 12

1 if I went to the sergeant, I would “get my ass beat,” and would be written up
 2 with an RVR for assaulting a correctional officer. Because I feared that I
 3 would be assaulted and receive a false disciplinary charge, I decided to return
 to my cell. After the shift change later that day, at approximately 4:00 p.m.,
 I asked again to use the telephone and was able to call Plaintiffs’ counsel.²²⁸

4 153. In my opinion this is clear evidence of hostility and discrimination towards a
 5 transgender person and the disabled people she was assigned to assist. While Ms. [REDACTED]
 6 avoided use of force it is her fear and caution that kept her safe. She says:

7 At the time, I decided not to write a 602 about this issue because I had heard
 8 about staff retaliation for filing appeals.²²⁹

9 A couple of times I even asked a member of medical [REDACTED] a [REDACTED] come to 7 block
 10 with me so that there was a witness in case Officer [REDACTED] [REDACTED] tried to
 threaten me verbally or physically attack me.²³⁰

11 I was concerned to perform my duties helping people with disabilities as an
 12 ADA worker after experiencing these events at CCI. I felt that my own
 safety was at risk, and was even more concerned for the individuals that I
 13 was trying to advocate for and help as an ADA worker. I felt the same fear
 to file appeals and report misconduct to Plaintiffs’ counsel. I did not write a
 14 602 appeal about the misconduct until November 15, 2019, after Plaintiffs’
 counsel had written an advocacy for me, as I still was not let out to perform
 my duties as an ADA worker.²³¹

15 After I received threats for trying to do my job as an ADA worker at CCI and
 16 experienced staff misconduct for speaking with Plaintiffs’ counsel, I no
 longer felt safe advocating for myself or others. While I have never stopped
 17 advocating for people who are marginalized, such as people with disabilities
 and people in the LGBTQ community, I know that I face serious
 18 consequences every time that I speak up.²³²

19 My mental health was severely impacted by the staff misconduct I
 20 experienced at CCI. I was depressed and angry a lot during that time. The
 staff misconduct I endured affected both me and the people around me.²³³

21 154. There was an investigation about Ms. [REDACTED] allegations about her
 22 experience at CCI as a result of contact from Plaintiffs’ counsel.²³⁴ But that investigation

23 ²²⁸ *Ibid.*, ¶ 15

24 ²²⁹ *Ibid.*, ¶ 9

25 ²³⁰ *Ibid.*

26 ²³¹ *Ibid.*, ¶ 16

27 ²³² *Ibid.*, ¶ 26

28 ²³³ *Ibid.*, ¶ 27

²³⁴ See **Exhibit VV**

1 is woefully inadequate. The investigator simply asked other incarcerated people if they
 2 were experiencing difficulties performing their jobs as ADA workers. (No one reported
 3 any difficulty.) But there were no interviews with any of the staff members identified by
 4 Ms. [REDACTED] no checks to see if and when the phone was not working in her living unit; no
 5 attempt to contact mental health staff working with Ms. [REDACTED] and, no review to
 6 determine when cell searches took place. There was no real attempt to investigate her
 7 concerns.

8 155. Mr. Baldwin opines in his declaration about Ms. [REDACTED] Regarding the
 9 above referenced investigation he simply says, “The results of the interviews produced no
 10 information to substantiate the claim by Mr. [REDACTED].²³⁵ In my opinion the investigation
 11 produced no useful information because it was not a serious investigation that attempted to
 12 get to the facts.

13 156. Ms. [REDACTED] now resides at SATF where she has experienced similar
 14 discrimination. When she arrived at SATF she let it be known in multiple conversations
 15 with officers and Sergeants about treatment of transgender persons at that institution. In
 16 April of 2020 she was assigned as a porter. Officer [REDACTED] told her that he, “[d]idn’t want
 17 any transgenders working here”.²³⁶ She then filed a 602 about Officer [REDACTED] comments
 18 but shortly thereafter was removed from her position as porter and assigned to work on the
 19 yard crew. She was quickly removed from that position as well. She believes she was
 20 removed from those paid positions because she filed a 602 against Officer [REDACTED] None of
 21 the Defendants’ experts address this issue in their declarations.

22 157. Mr. [REDACTED] is an *Armstrong* class member and has a hearing disability. He is
 23 also a *Coleman* class member. On November 20, 2019 a sergeant assaulted him after he
 24 complained of a pattern of excessive and unnecessary force used by staff at LAC.²³⁷
 25 Mr. [REDACTED] was being interviewed regarding a PREA complaint but asked Sergeant

26 ²³⁵ Baldwin Decl., ¶ 60

27 ²³⁶ Declaration of [REDACTED] ¶ 24

28 ²³⁷ Declaration of [REDACTED] ¶¶ 9-12

1 Sarmiento, the interviewer, if he could also discuss use of force at LAC. The Sergeant told
 2 he could but quickly the Sergeant interrupted and told him to “[w]atch your fucking
 3 mouth!”²³⁸ As Mr. [REDACTED] stood up to leave the room, Sergeant [REDACTED] struck him on
 4 the left side of his face and pushed him up against the wall. Mr. [REDACTED] said, “I reflexively
 5 pushed Sergeant [REDACTED] backwards with open palms against his chest to put space
 6 between us. Multiple officers then kneed Mr. [REDACTED] in the back and in the face.”²³⁹ Later,
 7 while waiting to be placed in segregation, Sergeant [REDACTED] encouraged Mr. [REDACTED] to
 8 attempt suicide, telling him, “Go ahead. I wish you would.”²⁴⁰ Other officers mocked him
 9 and ignored his suicidality, telling him, among other things, “we don’t give a fuck.”²⁴¹

10 158. The aftermath of this incident clearly demonstrates LAC custody staff’s
 11 contempt and disdain for people with disabilities, particularly people with severe mental
 12 illness. The allegation that staff neglected his suicidal ideation and even encouraged him
 13 to attempt suicide is consistent with many of the other LAC declarations. These comments
 14 drove Mr. [REDACTED] to attempt suicide by hanging and amount to discrimination and
 15 harassment of Mr. [REDACTED] because of his mental illness.²⁴² That officers failed to
 16 appropriately respond to Mr. [REDACTED] expressed suicidality also amounts to a serious
 17 failure to accommodate his mental illness.

18 159. In opposition, [REDACTED] (now [REDACTED] [REDACTED]) submits a declaration
 19 claiming that Mr. [REDACTED] aggressively pushed his chair toward Sergeant [REDACTED] before
 20 lunging at him and striking him with his fists.²⁴³ Sergeant [REDACTED] then pushed
 21 Mr. [REDACTED] against the wall and took him to the floor, where he thrashed and resisted.
 22 Captain [REDACTED] reported that he arrived on the scene and observed Mr. [REDACTED] resisting on
 23

24 ²³⁸ *Ibid.*, ¶ 11

25 ²³⁹ *Ibid.*, ¶ 12

26 ²⁴⁰ *Ibid.*, ¶ 15

27 ²⁴¹ *Ibid.*, ¶¶ 18-23

28 ²⁴² *Ibid.*, ¶ 20

²⁴³ Declaration of [REDACTED] in Support of Defendants’ Opposition, Dkt. 3081-5

1 the floor with Sergeant [REDACTED] on top of him. Later, in the gym, Captain [REDACTED]
 2 declares that Mr. [REDACTED] said that he was “going to tell [the nurse] your staff attacked
 3 me.”²⁴⁴

4 160. LAC’s investigation of Mr. [REDACTED] declaration was conducted by
 5 Lieutenant [REDACTED] of the ISU.²⁴⁵ Because the allegation involved an ISU Sergeant, the
 6 investigation should not have been conducted by ISU, LAC’s in-house investigators, and
 7 instead should have involved an outside group of investigators. That Sergeant [REDACTED]
 8 was investigated by a superior from his office raises at least the appearance of bias.
 9 Indeed, the investigator did not appear to attempt to identify any inmate witnesses to the
 10 incident, and relied only on the reports of and documents generated by staff in “refuting”
 11 Mr. [REDACTED] allegation.

12 161. This case raises a number of concerning themes. First, Sergeant [REDACTED]
 13 used unnecessary force against Mr. [REDACTED] in response to Mr. [REDACTED] raising concerns
 14 about excessive and unnecessary force at LAC. Part of the reason why staff misconduct is
 15 so widespread at CDCR’s prisons is because custody staff have created an environment
 16 where no one feels comfortable speaking out about custodial abuse and violence. The
 17 message of Sergeant [REDACTED] conduct is clear: incarcerated people who speak out
 18 about staff abuse will in turn be victimized by staff. Indeed, in his supplemental
 19 declaration, Mr. [REDACTED] describes being called a “snitch” and the “asshole that wrote a
 20 declaration for Rosen, Bien, Galvan,” before being assaulted by custody staff while in
 21 restraints.²⁴⁶

22 162. Mr. [REDACTED] experience clearly demonstrates that staff have created an
 23 environment of silence, fear and retaliation around reporting misconduct at LAC, and are
 24 willing to enforce that environment through threats of and actual violence.

25 163. Mr. [REDACTED] is a *Coleman* class member with multiple medical problems

26 ²⁴⁴ Declaration of Miller in Support of Defendants’ Opposition, Dkt. 3081, Ex. A

27 ²⁴⁵ See **Exhibit WW**

28 ²⁴⁶ Supplemental Declaration of [REDACTED] ¶¶ 8-19

1 and a mobility disability. He describes what happened to him at LAC.

2 Approximately one minute later, responding officers arrived. By the time
3 they arrived, I was already in restraints, lying [REDACTED] f [REDACTED] he dayroom
4 [REDACTED] e po [REDACTED] c [REDACTED] re [REDACTED] ce s [REDACTED] and [REDACTED] I was not
5 lying face down so I could see all of them [REDACTED] e. One responding officer
6 told the others to "cuff him," but Officer [REDACTED] stated that I already was in
7 handcuffs. I was restrained, lying on the ground. I was not a threat and I
8 was not resisting orders.

9 Next, several officers grabbed me by my arms and legs, yanked me
10 the ground, and then slammed me face down to the floor. Officer [REDACTED]
11 started kicking me in my right side. He punched me in my sides, shoulders,
12 back and neck w [REDACTED] nd. I think the beatings lasted approximately one
13 minute. Officer [REDACTED] then proceeded to get on my back and apply
14 painful pressure with his knee to the center of my back. The pain was so
15 intense that I could not speak.²⁴⁷

16 No matter what Mr. [REDACTED] did or did not do, there is simply no excuse for kicking and
17 punching a person who is already in cuffs.

18 164. Ms. [REDACTED] a *Coleman* class member who identifies as a transgender
19 woman, describes how she was beaten and kicked at LAC, before and after she was placed
20 in restraints.

21 However, even though I was on the ground, injured, and not resisting, the
22 Sergeant unloaded a whole can of pepper spray all over my body and face.
23 Then additional custody staff came in and kicked me and beat me. The
24 nurses were present at this time, which I believe limited how rough the
25 officers were with me. They put me in handcuffs and leg irons, and then the
26 officers opened the door and dragged me out on my stomach onto the
27 concrete outside the MHC. I still have scars from being dragged out into
28 the sun.

Next, they had the nurses go back inside, and then the correctional officers
beat me once again. They beat me for a few minutes. I believe I was hit a
couple of dozen times. There was no reason for them to use force at that
time. I was not resisting. I was handcuffed and I had shackles on my legs.²⁴⁸

165. Defendants do not submit any evidence to contest the declaration of Ms.

[REDACTED]

166. The incident described by Mr. [REDACTED] once again ties unnecessary and
excessive use of force, including punches and kicks, directly to retaliation on the part of

²⁴⁷ Declaration of [REDACTED] ¶¶ 15-16

²⁴⁸ Declaration of [REDACTED] ¶¶ 18-19

1 correctional staff. Mr. [REDACTED] is a *Coleman* class member at the EOP level of care. He
 2 describes what happened to him on September 8, 2019.

3 On September 8, 2019, at approximately 12:00 p.m. [REDACTED] I [REDACTED] ill call to
 4 pick up my medications. While at pill call, Officer [REDACTED] [REDACTED] became
 5 disrespectful towards me. He started calling me names. I told him I was
 6 going to write him up, meaning that I would file a grievance about him.

7 After leaving the medication window, I started to walk back to m [REDACTED] ing
 8 unit. While I was walking away from the pill call area, Officer [REDACTED]
 9 suddenly charged me, hit his alarm, and tackled me to the ground. I landed
 10 on the ground on my face. I was sho [REDACTED] d disoriented by the assault. As
 11 soon as I was on the ground, Officer [REDACTED] started punching me. He
 12 punched me repeatedly. A [REDACTED] w [REDACTED] r, while I was [REDACTED] on [REDACTED] und,
 13 [REDACTED] r officers, Officer [REDACTED] [REDACTED] and Officer [REDACTED] [REDACTED]
 14 [REDACTED] responded and began hitting me in the face and upper body. They
 15 initially cuffed me. However, they continued to hit me repeatedly with their
 16 hands and feet after I was cuffed up. I estimate that the entire assault lasted
 17 almost a minute. After punching me numerous times, the officers picked me
 18 up and took me to the gym. They aggressively pulled me around in the tight
 19 cuffs on the way to the gym, causing the cuffs to cut into my wrists and
 20 cause bleeding.

21 At one point during the assault outside, I lost consciousness briefly. I am not
 22 sure how long I was blacked out, but I was dizzy and disoriented when they
 23 pulled me to my feet to take me to the gym.

24 Once the officers had walked me into the gym and when we were out of
 25 sight of any other witnesses, the officers assaulted me again. The assault
 26 was similar to what happened on the yard, but I was standing up at the time.
 27 I was still cuffed at the time. They then knocked me to the ground near one
 28 of the holding cages and repeatedly struck me as I lay on the ground.²⁴⁹

In his written report regarding the assault on me, Officer [REDACTED] indicated
 that the reason he approached me and hit his alarm is because he said I
 refused to give up the medications in my hand. However, I had been given
 my medications orally by the psych tech minutes earlier, as she documented
 in my medical records and as she reported during my RVR hearing. So it is
 clear I did not have any medications on me at that time.²⁵⁰

The only apparent reason for these assaults was because Mr. [REDACTED] said he was going to
 file a grievance on an officer for disrespecting him. In my experience filing grievances is a
 common occurrence in prisons. Officers should simply accept that reality and move on.
 Assaulting a person for disrespect is at best simply cowardly but the willingness of other

²⁴⁹ Declaration of [REDACTED] ¶¶ 7-10

²⁵⁰ *Ibid.*, ¶ 20

1 officers to join in such an assault says much about the correctional officer culture at LAC.

2 167. Mr. [REDACTED] was taken to an outside hospital as a result of this assault and
 3 was held overnight where he was evaluated for a head injury and injuries to his wrist and
 4 cheek.²⁵¹ He was given a brace for his wrist and had bleeding in his right eye. The
 5 injuries to Mr. [REDACTED] were significant and he was clearly harmed. Defendants do not
 6 submit any evidence to contest the declaration of Mr. [REDACTED]

7 168. Mr. [REDACTED] is a *Coleman* class member at the EOP level of care. He
 8 believes he was assaulted because he files lawsuits, another example of retaliation. He
 9 describes what happened to him at LAC.

10 Later on, a [REDACTED] days after Thanksgiving, I came out of my cell for my phone
 11 call. Ms. [REDACTED] in the tower of Buil [REDACTED] t me [REDACTED] y cell for a call.
 12 When I came out, the floor officers [REDACTED] and [REDACTED] were standing at
 the podium and they told me to [REDACTED] k to my cell. I told the officers, "Hold
 on, I am trying to speak to Mr. [REDACTED]"

13 When I said that, the two officers approached me, and they immediately
 14 slammed me on the ground. Next, they both got on top of me and punched
 15 me repeatedly in the face. They kneed me in the side, and then they kicked
 16 me in the side of my leg, my back, my head and my face. After this assault, I
 17 had a very large swelling bump on the back of my head and I had blood all
 over my shirt and on my pants and boots. My face was bleeding profusely. I
 18 believe the floor staff were retaliating in part because I was asking for my
 19 special medical diet, and also because I have filed a number of lawsuits.²⁵²

20 The next thing that took place is that the officers dragged me into the
 21 rotunda, which is a narrow corridor where everyone enters and leaves the
 22 housing unit. When I was in the rotunda and out of sight to most people in
 the unit, they began to beat me again, even though I was cuffed at the time,
 23 and could not even block the kicks and punches with my arms. After they
 24 beat me in the rotunda for a period of time, they picked me up again and
 25 escorted me across the yard. I am not sure how long this assault lasted
 because I was dizzy and disoriented. I could barely walk because of my
 injuries.²⁵³

26 169. After this incident occurred the retaliation in the form of assaults on
 27 Mr. [REDACTED] continued and he did not resist.

28 ²⁵¹ See **Exhibit XX** (a true and correct copy of an excerpted document from Mr. [REDACTED]
 medical file)

²⁵² Declaration of [REDACTED] ¶ 1 [REDACTED] e also Exhibit **YY** (a true and correct copy of an
 excerpted document from Mr. [REDACTED] medical file)

²⁵³ Declaration of [REDACTED] ¶ 16

1 Since being in the EOP ASU, I have experienced retaliation from
 2 correctional officers, including a recent incident on the walk-alone yard
 3 adjacent to the EOP ASU. Approximately 3 weeks ago, correctional
 4 officers were escorting me to the ASU yard. Officer [REDACTED] was walking
 5 in from the yard to get me. I said they were starving me, because I had not
 6 been getting all of my food. He called me a bitch and threatened me saying,
 7 "We will see you out there on the yard." After I was on the yard, when yard
 8 ended, they took all the other prisoners off the yard, and I was the only one
 9 left. I was in my own yard cage. At this time, I was suddenly cuffed to take
 10 me out of the cage. After I was cuffed, Sergeant [REDACTED] who had come
 11 out to the yard, told the correctional officers to un-cuff me, and then he came
 12 into the cage and assaulted me, twisting my arm, slamming me against the
 13 wall of the cage, and choking me with his forearm. I believe he was trying to
 14 provoke me but I did not resist or fight back. I believe this was retaliation
 15 for filing appeals about the earlier staff assault, for writing to attorneys, for
 16 seeking criminal charges against staff, and for filing and winning expedited
 17 lawsuits.²⁵⁴

18 170. The fact that a sergeant committed this assault speaks to the lack of
 19 accountability for the abuse that is occurring at LAC. If sergeants engage in such behavior,
 20 it provides license for officers to do the same. Defendants did not submit any evidence to
 21 contest Mr. [REDACTED] declaration.

22 171. Mr. [REDACTED] is a *Coleman* class member at the EOP level of care. He has
 23 been housed at Corcoran since January of 2017. He has a schizoaffective disorder and
 24 reports paranoid symptoms and has a hard time trusting people, including custody staff.
 25 Prior to the incident described below he had been informed he was going to be transferred
 26 to another prison, which caused him to feel depressed, anxious and paranoid. On April 6,
 27 2020 he reported to his mental health clinician that he feared for his life if he were to be
 28 transferred. On April 7, 2020 he was on his way to attend another meeting with mental
 health, a meeting that would likely be an additional source of stress. He was walking
 through a canopy where several officers were gathered. He was told to take his hands out
 of his pocket and did so but made the mistake of being overfamiliar with an officer and
 called him "bro" twice. The officer objected to the overfamiliar remark and attempted to
 slam him to the concrete floor. He pushed back on the officer and they fell into the grass.
 Six officers then began to punch and kick Mr. [REDACTED]. After he was placed in restraints

²⁵⁴ *Ibid.*, ¶ 23

[3618027.3]

1 he was carried to a holding cell again where his head was rammed into the side of the cage
 2 and he was again punched. After an examination by a doctor at the prison he was taken to
 3 an outside hospital.²⁵⁵

4 172. When Mr. [REDACTED] was returned to the living unit he found that much of his
 5 property was missing. He said:

6 Upon my return to my housing unit in the ASU, I discovered that some of
 7 my property had gone missing: my T.V., radio, fan, and twenty music discs
 8 were all gone. I believe A-Yard custody staff purposely did not pack this
 9 property from my cell in B-Yard when I was placed in the ASU.²⁵⁶

10 173. Another incarcerated person, Mr. [REDACTED] witnessed the assault of
 11 Mr. [REDACTED]. He says:

12 When [REDACTED] passed the officers, one of the officers t [REDACTED] o
 13 Mr. [REDACTED] and spoke to him. I saw the officer grab Mr. [REDACTED] by the
 14 head and slam him to the g [REDACTED]. While [REDACTED] was o [REDACTED] ound, over nine
 15 [REDACTED] including Officer [REDACTED] Sgt. [REDACTED] Sgt. [REDACTED] Lieutenant
 16 [REDACTED] and Lieu [REDACTED] and a female sergea [REDACTED] over and
 17 began kicking Mr. [REDACTED]. One officer grabbed Mr. [REDACTED] feet and
 18 another officer cuffed him. The officers also put a spit mask on [REDACTED] ey
 19 began to lead him to the gym. Because of the spit mask on Mr. [REDACTED] I
 20 could not see injuries to his face. Once he was inside the gym, I could not
 21 see what happened.

22 I believe officers attacked Mr. [REDACTED] because he has mental health issues
 23 and they know they can pick on him.

24 At a [REDACTED] p.m., I observed Officers [REDACTED] and [REDACTED] give
 25 Mr. [REDACTED] personal property, including his TV, radio, food, and hygiene
 26 supplies, to other incarcerated people.

27 I believe staff gave away Mr. [REDACTED] property to retaliate aga [REDACTED] m for
 28 assaulting an officer, even though the officers had attacked Mr. [REDACTED].²⁵⁷

174. In my opinion Mr. [REDACTED] depiction of events is credible. Much of it reports
 the same facts as Mr. [REDACTED] but Mr. [REDACTED] is careful to report not only what he did see
 but what he did not see, adding to his credibility.

175. Another incarcerated person, Mr. [REDACTED] also witnessed the assault. He

²⁵⁵ Declaration of [REDACTED] ¶¶ 4-22

²⁵⁶ *Ibid.*, ¶ 23

²⁵⁷ Declaration of [REDACTED] ¶¶ 14-18

1 says:

2 Right in front of medical, I saw a big group of officers, may p
3 swinging and kicking at a person who was on the ground. [REDACTED]
4 is bald and had just gone over there. I recognized him as the man on the
ground because of his size—he is short, about 5’7”—and his bald head. And
I knew that he had just gone over there.

5 I could hear a female voice shouting, “Stop resisting.” [REDACTED] [REDACTED] was
6 not resisting from what I could see. Any resistance would be futile because
there were so many officers on him. He was overwhelmed. It was a brutal
beating. This went on for between five and ten minutes.

7 Then, officers dragged [REDACTED] [REDACTED] up g ut his hands
8 behind his back with his thumbs facing up. [REDACTED] [REDACTED] was wearing
handcuffs. Then they pulled up on his arms to force him to completely bend
9 over. I have been in this position w fed. It is terribly painful in
my experience. Officers walked [REDACTED] [REDACTED] back into the medical
10 building, cuffed and bent over. The pain in this position is excruciating in
my experience. I could see all of this occurring as clear as day because I was
11 standing up in the Rec Box, watching.²⁵⁸

12 176. In my opinion the description of the event by Mr. [REDACTED] is also credible as
13 he too is careful not to overstate what he actually witnessed.

14 177. Mr. [REDACTED] received an RVR for behavior he believes was simply self-
15 defense.²⁵⁹ There is no indication in the record that the information from the two
16 incarcerated people offered above was considered in the hearing. Instead, two other
17 incarcerated people who are described as part of the “yard crew” were interviewed as part
18 of Mr. [REDACTED] appeal. One of those people, Mr. [REDACTED] provided a description of
19 events does not correspond to that of Officer [REDACTED] Mr. [REDACTED] says he saw Mr. [REDACTED]
20 bite Officer [REDACTED] on the arm and then the officer took Mr. [REDACTED] to the ground.²⁶⁰
21 Officer [REDACTED] reports that he was bitten after he had taken Mr. [REDACTED] to the ground.²⁶¹
22 Mr. [REDACTED] reports that he did not see what caused the event, that in his opinion there was
23 no excessive force and that he later was told Mr. [REDACTED] bit Officer [REDACTED] and that was
24

25 ²⁵⁸ Declaration of [REDACTED] ¶¶ 11-15

26 ²⁵⁹ Declaration of [REDACTED] ¶ 24

27 ²⁶⁰ Declaration of [REDACTED] in Support of Defendants’ Opposition, Dkt. 3079, Ex. A, at 2

28 ²⁶¹ *Ibid.*, at 4-5

1 why he was taken to the ground. The record does not tell us who provided that
2 information to Mr. [REDACTED].²⁶² Mr. [REDACTED] appeal was denied.

3 178. The information from witnesses [REDACTED] and [REDACTED] may not have been
4 available at the time of Mr. [REDACTED] RVR and subsequent appeal. But they are available
5 now and in my opinion Mr. [REDACTED] RVR should be re-heard so that all of the available
6 information could be considered.

7 179. And again, if a camera had captured this event, there would have been clear
8 evidence to show what actually happened.

9 180. In addition, I have viewed two video interviews of Mr. [REDACTED] regarding
10 this incident.²⁶³ The interview appears to take place in an office just off the dayroom of a
11 living unit with the door open and people walking outside the door in the living unit. This
12 interview location is not appropriate, as it did not provide Mr. [REDACTED] a confidential
13 setting.

14 181. This example is consistent with others I have discovered in the CDCR.
15 Mr. [REDACTED] is mentally ill and in this situation was stressed and experiencing some
16 distress at the prospect of transfer. The officers say Mr. [REDACTED] assaulted staff first and
17 they simply responded. Mr. [REDACTED] says officers assaulted him after a verbal altercation.
18 Mr. [REDACTED] Mr. [REDACTED] and Mr. [REDACTED] that Mr. [REDACTED] was beaten, including punches
19 and kicks. In my experience punches and kicks are not necessary to control an unruly
20 person, no matter what the cause. Given that multiple officers were available during this
21 incident in my opinion a competently trained correctional staff could have subdued
22 Mr. [REDACTED] without resorting to beating him. In addition it appears that Mr. [REDACTED]
23 was informally punished by having some of his property destroyed.

24 182. Mr. [REDACTED] describes the impact on him as a person from this experience at
25 Corcoran.

26 My mental health has worsened since the assault. I feel more paranoid.

27 ²⁶² *Ibid.*, at 2

28 ²⁶³ See **Exhibit ZZ** and **Exhibit AAA**

[3618027.3]

1 Since that day, I have struggled to sleep. I keep thinking officers are going
2 to rush into my cell at night and assault me. I have not been coming out for
my mental health groups or to yard. I am trying to avoid staff at all costs.²⁶⁴

3 183. Defendants' expert, Mr. Baldwin addressed Mr. [REDACTED] case but
4 dismissed it by saying, "does not allege he was attacked by staff on account of a
5 disability".²⁶⁵ In my opinion Mr. Baldwin ignores Mr. [REDACTED] mental illness and the
6 level of force alleged in this event.

7 184. Mr. [REDACTED] is an *Armstrong* and *Coleman* class member who was previously
8 housed at LAC. I understand that Mr. Schwartz is also reviewing the case of Mr. [REDACTED]
9 While suffering a mental health crisis in June 2019 at LAC, Mr. [REDACTED] had a confrontation
10 with correctional officers. In his declaration he described what was going on with him.

11 On June 13, 2019, I was struggling with auditory hallucinations in my cell in
12 D-Yard, Building 4. Sometime in the mid-afternoon, I asked a third watch
13 custody officer to take me to segregated housing because I did not feel safe
14 in my cell. The officer put me in handcuffs and took me to the D-Yard gym.
He then placed me in a holding cage in order for mental health staff to assess
15 me and determine whether my mental state posed a risk to myself or others.
However, mental health staff never came by to conduct an assessment.

16 I waited in the holding cage for around an hour before two medical nurses
17 arrived. The nurses briefly evaluated me. They discussed my problems with
18 me. I told them I was stressed out, depressed, and hearing voices. They
asked me if I was suicidal. I said no. They told me that I needed to fill out a
medical request slip to see my psychiatric case manager and cleared me to
return to my cell.²⁶⁶

19 It is clear from these statements that Mr. [REDACTED] was experiencing significant mental health
20 distress.

21 185. Officers came to escort him back to his cell. In the most rudimentary sense it
22 would be reasonable for the officers to realize and respect that Mr. [REDACTED] was in a fragile
23 mental health state and to accommodate his disability. Instead this is what Mr. [REDACTED]
24 reports happened:

25 A few minutes later, Officer [REDACTED] and Officer [REDACTED] came to take me

26 ²⁶⁴ Declaration of [REDACTED] ¶ 34

27 ²⁶⁵ Baldwin Decl., ¶ 48

28 ²⁶⁶ Declaration of [REDACTED] ¶¶ 9-10

1 back to my cell. Officer [REDACTED] handcuffed me. While they escorted me
 2 back to Building 4, in [REDACTED] dle of the yard, the officers were saying things
 3 to harass me. Officer [REDACTED] said, "You're a wacko." They also called me
 4 names like crazy and weirdo. I said something like, "If you want to see
 5 crazy, I'll show you crazy." I said this because the abuse from the officers
 6 made me want to cut myself. It was not intended as a threat to them and the
 7 officers did not understand it as a threat. The officers just laughed at me
 8 when I said this.²⁶⁷

186. Such comments at any time by a correctional officer are completely
 9 inappropriate but especially for a person returning from placement in a holding cell
 10 awaiting contact with mental health staff.

187. While he was being returned to his cell and was in handcuffs, he observed
 11 the officers searching his cell. He described what happened in his declaration.

12 While I watched them trash my property, unable to do anything to stop them,
 13 out, "Why are you destroying my stuff while you search?" Officer [REDACTED]
 14 ordered me to "Shut the fuck up!" I was so distressed and upset by
 15 what was happening that I angrily said "fuck you" in response.

16 Next, Officer [REDACTED] and the other escorting officer suddenly grabbe
 17 by the shoulders [REDACTED] and slammed me face-first into the ground. Officer [REDACTED]
 18 then jumped on top of me, straddling my back, and punched me repeatedly in
 19 the side of my face and head. I was handcuffed during this entire incident. I
 20 was not a threat to any of these officers. I could not do anything to stop them
 21 from assaulting me. I felt horrible. I felt helpless, alone, and very
 22 emotionally distressed. I felt like they were treating me as less than
 23 human.²⁶⁸

24 It is inappropriate to punch any person in already in restraints, especially a mental health
 25 patient and especially a person in the midst of a mental health crisis.

188. As a result of this incident Mr. [REDACTED] "suffered a black eye, painful scrapes
 26 and bruises on my hands from the handcuffs, numerous bumps on my head, and a deep
 27 gash on my chin that was bleeding profusely and required stitches to stop the bleeding."²⁶⁹

189. Mr. [REDACTED] reports that his mental health deteriorated following this assault
 28 and that he stopped eating. He says that he tried to kill himself on June 15, 2019 and had
 to be taken to an outside hospital. He tried again a couple of days later and again wound

²⁶⁷ *Ibid.*, ¶ 11

²⁶⁸ *Ibid.*, ¶¶ 13-14

²⁶⁹ *Ibid.*, ¶ 17

1 up being taken to an outside hospital. He tried again in early July and was transferred to
 2 the acute psychiatric inpatient unit at Stockton and stayed there about two months. As of
 3 the time he wrote his declaration he was housed at the Intermediate Care Facility as
 4 SVSP.²⁷⁰

5 190. In my opinion it is clear that officers at LAC treated Mr. [REDACTED] in a manner
 6 very likely to have exacerbated his mental health. Defendants have not submitted any
 7 evidence to contest Mr. [REDACTED] declaration.

8 191. Mr. [REDACTED] is an *Armstrong* class member and a *Coleman* class member.
 9 He has been housed at KVSP since January 2020. Mr. [REDACTED] raises three staff
 10 misconduct incidents. Each is related to his disability.

11 192. The first incident, which occurred on June 13, 2017, resulted after an
 12 altercation with Officer [REDACTED] at LAC. Mr. [REDACTED] states that Officer [REDACTED] is one of the
 13 officers that referred to him as a Coleman “snitch” due to his participation in the Coleman
 14 litigation. He was afraid of her and a group of officers at LAC, as a result of such
 15 comments and reports he refused at least six important medical appointments and mental
 16 health groups.²⁷¹ His declaration further states that the officers do not like people with
 17 mental illnesses, because they think that *Coleman* class members get them in trouble by
 18 reporting staff misconduct.²⁷² Thus, his report of the staff misconduct assault that occurred
 19 that day involving Officer [REDACTED] and the group of officers he feared, is directly related to
 20 his disability. He reports that, following the altercation with Officer [REDACTED] later that day,
 21 that group of officers assaulted him while he was being escorted back from a medical
 22 appointment. Mr. [REDACTED] said:

23 That same day, I had a medical appointment. Officer [REDACTED] came
 24 escort me to see a nurse in back [REDACTED] P ASU unit. Sergeant [REDACTED]
 25 as well as Officers [REDACTED] and [REDACTED] interrupted my nursing visit,
 26 telling the nurse to leave the room. They called me derogatory names and
 told me they would whoop my ass. While they escorting me back to my cell,
 Sergeant [REDACTED] told me that I had better stop disrespecting officers because

270 *Ibid.*, ¶¶ 23-33

271 Declaration of [REDACTED] ¶ 9

272 *Ibid.*, ¶ 59

1 he had beaten a lot of people at Lancaster. He told me I had it coming.

2 As Sergeant [REDACTED] officers [REDACTED] [REDACTED] and [REDACTED] escorted me to
 3 my cell, Officer [REDACTED] joined the group e [REDACTED] me. They opened my
 4 door. When I tried to go into my cell, Officer [REDACTED] grabbed me by my
 5 shirt collar and waist chains, pulled me back, and tripped me with his leg.
 6 [REDACTED] my footing, he slammed my face into the ground. Officer
 7 [REDACTED] who weighs about 300 pounds, kned me in the back, then shifted
 8 the weight of his knee to my leg to keep me down.

9 While I was on the ground, the officers called me derogatory [REDACTED] es, like
 10 "Bitch," "Motherfucker," "Asshole," and "Punk." Sergeant [REDACTED] kned me
 11 in the side of my face, then stood up [REDACTED] ta [REDACTED] kicki [REDACTED] e side of my
 12 body, neck, head, and arm. Officers [REDACTED] [REDACTED] and [REDACTED] started
 13 punching me. I think the attack lasted about 10 to 15 seconds. The alarm
 14 sounded while I was on the ground.²⁷³

15 The officers told him he had it coming, a statement which further connects the assault to
 16 Mr. [REDACTED] disability and perceived status as a "snitch" for speaking to Plaintiffs'
 17 counsel in *Coleman*.

18 193. Mr. [REDACTED] then alleges that, the officers assaulted him on the way from his
 19 cell to a holding cage in the dayroom. He says:

20 When [REDACTED] to the cage in the middle of the day room, Officers [REDACTED]
 21 and [REDACTED] suddenly pulled on my waist chains and arms. Officer [REDACTED]
 22 kicked my legs, then slammed me to the ground.

23 The other officers ran over. While I was on the ground, Officer [REDACTED] kicked
 24 me in the mouth, busting my lip.²⁷⁴

25 In addition to being assaulted for his speaking to Plaintiffs' counsel, this incident is also
 26 disability related because, as a result of the stress, he decompensated after the incident,
 27 stopped coming out of his cell, and had to be transferred to an inpatient mental health
 28 facility afterwards.²⁷⁵

194. Officer [REDACTED] submitted a declaration stating that the actions that he took
 on June 13, 2017, to keep the prison safe had nothing to do with and are unrelated to

²⁷³ *Ibid.*, ¶¶ 12-14

²⁷⁴ *Ibid.*, ¶¶ 17-18

²⁷⁵ *Ibid.*, ¶ 27

1 Mr. [REDACTED] DLT code.²⁷⁶ Nevertheless, medical records tell a different story and
 2 confirm a connection between this incident and Mr. [REDACTED] confirmed disability.
 3 Mr. [REDACTED] began complaining about mobility difficulty reporting difficulty walking after
 4 being kicked and kneed during the 6/13/17 incident.²⁷⁷ Mr. [REDACTED] was eventually
 5 designated as an *Armstrong* class member and made DLT, confirming mobility difficulties
 6 on March 15, 2018.²⁷⁸

7 195. I find it noteworthy that Officer [REDACTED] confirms that he was stationed in
 8 the exam room for the purpose of monitoring Mr. [REDACTED] for his medical appointment
 9 when apparently, with him present, Sergeant [REDACTED] arrives to question Mr. [REDACTED] about
 10 threats he reportedly made earlier to Officer [REDACTED].²⁷⁹ The crime incident report confirms
 11 that Sergeant [REDACTED] did in fact arrive at Mr. [REDACTED] medical appointment along with
 12 Officer [REDACTED] to question Mr. [REDACTED].²⁸⁰ Mr. [REDACTED] claims that these staff, which he
 13 reports also included Officer [REDACTED] interrupted his medical appointment to harass and
 14 threaten him. Mr. [REDACTED] said:

15 That same day, I had a medical appointment. Officer [REDACTED] came
 16 escort me to see a nurse in back [REDACTED] P ASU unit. Sergeant [REDACTED]
 17 as well as Officers [REDACTED] and [REDACTED] interrupted my nursing visit,
 18 telling the nurse to leave the room. They called me derogatory names and
 19 told me they would whoop my ass. While they escorting me back to my cell,
 20 Sergeant [REDACTED] told me that I had better stop disrespecting officers because
 21 he had beaten a lot of people at Lancaster. He told me I had it coming.²⁸¹

22 Regardless of whether this group interrupted his appointment or questioned him after his
 23 exam was over, it is completely counter to correctional policy and practice for a group of
 24 officers to impromptu descend on Mr. [REDACTED] in this manner, while in a medical exam

25 ²⁷⁶ Declaration of [REDACTED] in Support of Defendants' Opposition, Dkt. 3083-3

26 ²⁷⁷ See **Exhibit BBB** (true and correct copies of excerpted documents from Mr. [REDACTED] medical file)

27 ²⁷⁸ See **Exhibit CCC** (a true and correct copy of a document from Mr. [REDACTED] medical file)

28 ²⁷⁹ Declaration of [REDACTED] in Support of Defendants' Opposition, Dkt. 3083-3, ¶ 3

²⁸⁰ *Ibid.*, Ex. A

²⁸¹ Declaration of [REDACTED] ¶ 12

1 room, without apparent recording devices or adherence to protocols for formal fact
 2 gathering, to question him about an incident that is now the center of a criminal
 3 prosecution against him. I can see no other purpose for this unprofessional encounter but
 4 to harass and threaten him. It is not surprising then that Mr. [REDACTED] who is known to
 5 have severe mental illness, including anxiety, PTSD, and a history of suicide attempts,
 6 became upset and agitated, leading to the events that resulted in the use of force against
 7 Mr. [REDACTED]. There is no question in my mind that the threatening actions of staff in this
 8 case, against a person with severe mental illness, unnecessarily caused the chain of events
 9 here.

10 196. Defendants' expert notes that Mr. [REDACTED] is being criminally charged for
 11 battery and making terrorist threats against staff and that he has two prior convictions for
 12 carjacking.²⁸² His carjacking convictions are completely irrelevant here and I find it
 13 indicative of further bias against incarcerated people that is prevalent throughout CDCR
 14 that it is even raised. I also find it extremely concerning, as mentioned above, that the
 15 evidence being considered against Mr. [REDACTED] in his criminal case was obtained by
 16 officers in a manner that was not only unprofessional but also gained in what appears to be
 17 an effort to intimidate and harass him, rather than a professional fact finding inquiry.

18 197. The second incident occurred on July 1, 2017. This incident was directly
 19 related to his disability because, according to Mr. [REDACTED] staff misconduct complaint,
 20 he became agitated and suicidal when staff refused to allow him his phone call, leading to
 21 the events that required force.²⁸³ During the use of force in this incident Mr. [REDACTED]
 22 right wrist was injured when staff pulled on his arms to retrieve restraints that were
 23 apparently stuck on the cell door. Mr. [REDACTED] wrist was sprained and he received a
 24 splint.²⁸⁴ His medical file confirms that some two years later he is still dealing with

25
 26 ²⁸² Cate Decl., ¶ 59

27 ²⁸³ See **Exhibit DDD**

28 ²⁸⁴ **Exhibit EEE** (a true and correct copy of an excerpted document from Mr. [REDACTED] medical file)

1 problems with his right wrist and was recently recommended for an urgent wrist
 2 procedure.²⁸⁵ This incident was not only the result of Mr. [REDACTED] disability but it
 3 further was the cause of mobility disabilities and difficulties in his wrists.

4 198. The third incident, which occurred at KVSP, also involves staff calling him a
 5 “snitch” and which he believes is directly related to his participation in this case and in the
 6 *Coleman* case. On May 22, 2020 several incarcerated people in his living unit were
 7 blocking the windows in their cells, protesting staff misconduct and brutality. Officer
 8 [REDACTED] came to Mr. [REDACTED] door and told him he was refusing to attend his
 9 scheduled medical appointment, even though Mr. [REDACTED] was one who did not have his
 10 cell window covered. Mr. [REDACTED] told the officer he did not refuse and that he needed to
 11 have his stitches cleaned.²⁸⁶ Mr. [REDACTED] then reports what happened next.

12 Officer [REDACTED] started cursing at me, calling me a “snitch” and a
 13 “faggot.” I had testified in the 2013 enforcement hearings in *Coleman v.*
 14 *Newsom*. Officers started calling me a “Coleman snitch” at KVSP after
 15 Lieutenant [REDACTED] called me from LAC and had said while on
 16 speakerphone within earshot of KVSP officers that I had been involved in
 17 that case.²⁸⁷

18 199. The conflict at the cell door continued. Officer [REDACTED] pulled out his
 19 pepper spray but Mr. [REDACTED] turned around so he would not be sprayed in the face. The
 20 officer then struck Mr. [REDACTED] in the buttocks with the spray canister. The officer then
 21 threatened Mr. [REDACTED] with a bogus RVR.²⁸⁸ Mr. [REDACTED] describes what happened next.

22 I told him that I would report this to my criminal lawyer and to class counsel
 23 for the *Coleman* case. He responded, “Don’t worry about it. I’m going to
 24 kill you. They’ll find you hanging in your cell, Nigger.” Everyone on my
 25 tier heard him threatening me.²⁸⁹

26 200. Mr. Cate addresses only the June 2017 incident in his declaration and

27 ²⁸⁵ See **Exhibit FFF** (a true and correct copy of a document from Mr. [REDACTED] medical
 28 file)

29 ²⁸⁶ Supplemental Declaration of [REDACTED] ¶ 6

30 ²⁸⁷ *Ibid.*, ¶ 7

31 ²⁸⁸ *Ibid.*, ¶¶ 8-10

32 ²⁸⁹ *Ibid.*, 11

1 concludes, “There did not appear to be any connection between Mr. [REDACTED] disability or
2 status as a member of the *Armstrong* class and the force used in this incident.”²⁹⁰

3 201. I disagree. I see evidence in each of these cases that the uses of force were
4 directly related to Mr. [REDACTED] disability and, in the June 2017 case, that incident was
5 even the cause of his confirmed physical disability. It is clear from these examples that
6 CDCR staff share information between institutions about incarcerated people who stand up
7 and seek redress of their grievances. This example illustrates the abusive and corrupt
8 culture of the correctional officers that goes beyond any individual facility.

9 202. These patterns are very similar to what I have reported at RJD. Incarcerated
10 people are subjected to unnecessary and excessive use of force that result in broken bones
11 and officers subject incarcerated people to punches and kicks. Incarcerated people then
12 suffer retaliation when they attempt to formally complain about the abusive behavior of
13 correctional officers. In the case of Mr. [REDACTED] information flowed from one prison to
14 another resulting in him being targeted as a problem for speaking up. In my experience
15 some incarcerated people are more litigious than others. That is never an excuse to single
16 them out for abuse. Professional corrections staff take this in stride and it does not impact
17 their behavior towards those who litigate. Unfortunately, as an organization, the officers in
18 the CDCR prisons addressed in this report appear to be sadly immature. And the culture is
19 so accepting of the officer’s dangerous behavior that very seldom is anyone held
20 accountable.

21 203. Mr. [REDACTED] is a *Coleman* class member at the EOP level of care. He is not
22 classified as an *Armstrong* class member but reports mobility issues. Describing his own
23 substantial mental health problems he says:

24 I suffer from depression, anxiety, paranoia, and Post Traumatic Stress
25 Disorder (“PTSD”). I also have a substance abuse disorder, which
26 exacerbates my mental health issues. I frequently have flashbacks and
27 nightmares from the sexual and physical abuse that I experienced as a child.
In the past, I have experienced symptoms of psychosis and auditory
hallucinations. I have a history of suicide attempts, and most recently, I

28 ²⁹⁰ Cate Decl., ¶ 59

1 attempted suicide in 2015.²⁹¹

2 204. He reports being assaulted by staff at CCI on December 23, 2019.

3 Mr. [REDACTED] was in his cell when he asked for an officer for a 602 complaint form.

4 Instead of providing the form, the officer entered Mr. [REDACTED] cell and ordered him to
5 turn around and place his hands on his head. He complied.²⁹² What happened to

6 Mr. [REDACTED] next is horrific.

7 Once I c[REDACTED]ed, he held my hands on my head with his left hand. Then
8 Officer [REDACTED] reached into my pants and boxers with his right hand,
9 grabbed my genitals, and told me that if I complained or tried to file a 602
10 again, he would, "Rip my fucking balls off." I felt humiliated and
11 traumatized by this experience, and I was terrified that Officer [REDACTED] would
12 hurt me, especially because I was a victim of sexual assault as a child.²⁹³

13 During this time, I did not resist. Officer [REDACTED] shoved me further to the
14 back of the cell, [REDACTED] then he left my cell. I only turned around when I
15 thought [REDACTED] was leaving my cell. Once I had turned around,
16 Officer [REDACTED] drew his pepper spray, sprayed it straight into my face, and
17 then told me to get down. Then he handcuffed me.²⁹⁴

18 At this point, Officers [REDACTED] and [REDACTED] lifted me up by the arms and
19 dragged [REDACTED] the stairs to the entrance of 6 Block, A section. Then
20 Officer [REDACTED] hit his alarm. The two officers took me outside of the
21 main entrance to 6 Block. Several officers, approximately six to eight of
22 them, came running. One of them was Officer [REDACTED]. The officers
23 slammed me up against an outside wall. Officer [REDACTED] told me to get on
24 my knees, and I complied. One of the officers hit me in the back of the head,
25 which bounced my face against the outside wall. Officer Barbosa said to me,
26 "You're always bitching about something." He punched me in the ribs.
27 Another officer kicked me in the genitals. They lifted me by the handcuffs
28 and started walking me to the medical clinic.²⁹⁵

29 [REDACTED] walk between 6 Block to Receiving and Release ("R&R"), Officer
30 [REDACTED] slapped me across the face because he was upset that I was spitting
31 blood and coughing from the pepper spray.²⁹⁶

32 When we arrived at R&R, the officers escorted me into a holding cell. They
33 came into the holding cell with me and started beating me with their batons.
34 I estimate that [REDACTED] beating occurred for approximately one to two minutes.
35 Then Officer [REDACTED] threw me to the ground and took off my handcuffs.

36 ²⁹¹ Declaration of [REDACTED] G., ¶ 4

37 ²⁹² *Ibid.*, ¶¶ 8-9

38 ²⁹³ *Ibid.*, ¶ 9

39 ²⁹⁴ *Ibid.*, ¶ 10

40 ²⁹⁵ *Ibid.*, ¶ 11

41 ²⁹⁶ *Ibid.*, ¶ 13

1 Officer [REDACTED] ordered me to take off my clothes, which I believe was to
humiliate and intimidate me. I complied.²⁹⁷

2 205. Another incarcerated person, Ms. [REDACTED] reports witnessing some of this
3 event. She says:

4 In other words, my cell was [REDACTED] al to Mr. [REDACTED] sitting in my
5 cell when I overheard Mr. [REDACTED] complain to Officer [REDACTED] that he had
6 not received razors in several weeks. The officers are supposed to pass out
7 razors twice a week that we use [REDACTED] ye and they h [REDACTED] one so in a while.
8 All of a sudden, I heard Officer [REDACTED] yell at Mr. [REDACTED] to go to the back
9 of his cell and then heard him enter the cell. The next thing I knew, I could
10 tell that he had emptied an entire can of pepper spray by the smell. From my
11 cell, I heard the so [REDACTED] a body being [REDACTED] onto the g [REDACTED] then
12 witnessed Officer [REDACTED] and Officer [REDACTED] drag Mr. [REDACTED] to the
13 rotunda outside of the dayroom and throw him up against the wall. They
14 began to brutally punch and kick him. I could see that he was cuffed the
15 entire time that they assaulted him.²⁹⁸

16 206. In a subsequent PREA investigation, Ms. [REDACTED] added, “[s]he had a good
17 view of the incident by utilizing the shaving mirror on the shower door on the right side of
18 A section”.²⁹⁹

19 207. Mr. [REDACTED] describes his medical situation about the incident. He says:

20 I told nursing staff that the injuries I suffered were my own fault. I felt
21 coerced to say this because I was worried that I would face further retaliation
22 from custody staff for reporting what they did to me. In the moment, I did
23 not want to tell the truth of the assault.

24 After the assault, I was in a horrible amount of pain and thought that I might
25 have broken a rib. I submitted several 7362 forms to request medical
26 attention in the week following the assault. In late January 2020, medical
27 staff performed x-rays which showed that the officers had fractured one of
28 my ribs during the assault.

The bruising on my body lasted several weeks after the assault. My right
side and chest were in extreme pain due to my fractured rib. Because my
knees and left foot were injured, I also struggled to walk after the attack.
Medical staff prescribed me a temporary cane to help me. I am still feeling
the effects of the beating to this day in my left foot and left eye.³⁰⁰

²⁹⁷ *Ibid.*, ¶ 14

²⁹⁸ Declaration of [REDACTED] ¶ 19

²⁹⁹ Declaration of [REDACTED] in Support of Defendants’ Opposition, Dkt. 3079-2, Ex. A, at
2

³⁰⁰ Declaration of [REDACTED] G., ¶¶ 17-19

1 208. Mr. [REDACTED] received an RVR for assaulting an officer. He says the RVR
 2 was false and he did not “advance towards (him) with closed fists.”³⁰¹ But even if he did
 3 (and I have no reason to believe that he did given the behavior of CDCR correctional
 4 officers), the level of force used against Mr. [REDACTED] was wildly disproportionate to the
 5 threat the officer described in his RVR. It does not appear that the information from
 6 Mr. [REDACTED] was considered during the RVR hearing.

7 209. Mr. [REDACTED] filed a 602 complaint about this incident but he never received
 8 any response. He believes his complaint was intercepted by staff and destroyed.³⁰²

9 210. Defendants submit the declaration of Correctional Lt. [REDACTED] to rebut Mr.
 10 [REDACTED] allegation that his rib was fractured during this incident. Lt. [REDACTED] states
 11 that Mr. [REDACTED] claims his rib was broken on December 23, 2019, is false because his
 12 fracture was not confirmed until an x-ray a month later on January 31, 2020, whereas an x-
 13 ray conducted shortly after the incident, on January 6, 2020, did not reveal a fracture.³⁰³
 14 Lt. [REDACTED] concludes, illogically in my opinion, that Mr. [REDACTED] did not fracture his
 15 rib during the December 23, 2019 assault but rather sometime after the incident, in
 16 between the two x-rays.³⁰⁴ To be certain, it is odd that the first x-ray did not reveal the
 17 broken rib. But, a rib fracture is a serious injury and Mr. [REDACTED] contends that the
 18 fracture was caused by staff. For Lt. [REDACTED] to determine that Mr. [REDACTED] claims of
 19 misconduct were not credible based only on the two x-rays but without determining how
 20 Mr. [REDACTED] rib was broken is further evidence of CDCR’s bias against incarcerated
 21 people and of shoddy investigation work. If there would have been an intervening incident
 22 involving Mr. [REDACTED] whereby his rib was fractured during those few weeks, Defendants
 23 would have submitted documentation of that incident rather than a declaration based on the
 24 pure speculation of Lt. [REDACTED] In addition, it is possible that the reading of the first x-
 25

26 ³⁰¹ *Ibid.*, ¶ 20

27 ³⁰² *Ibid.*, ¶ 21

28 ³⁰³ Declaration of [REDACTED] in Support of Defendants’ Opposition, Dkt. 3079-2, ¶ 4

³⁰⁴ *Ibid.*

1 ray was in error.

2 211. Mr. Baldwin references Mr. [REDACTED] in his declaration. He doesn't address
3 the use of force as described by Mr. [REDACTED]. He simply dismisses the allegations
4 saying:

5 It appears Mr. [REDACTED] is not contending that he was assaulted [REDACTED] t
6 of a physical disability. Accordingly, I do not believe that Mr. [REDACTED]
allegations show that *Armstrong* class members at CCI are being targeted for
harassment.³⁰⁵

7 I disagree. Mr. Baldwin ignores Mr. [REDACTED] mental illness.

8 212. Mr. [REDACTED] reports some of the impact on him from being assaulted.

9 In the weeks and months following the assault, my mental health
10 deteriorated. Since being assaulted at CCI, my PTSD has worsened, and I
continue to have flashbacks to the attack. I also frequently experience
11 nightmares that make it hard for me to sleep in my cell [REDACTED] quently
because I was afraid that Officers [REDACTED] [REDACTED] and [REDACTED] would
12 assault me if I did. As a result, I refused to go to some medical and mental
health contacts. For example, around February 20, 2020, I refused an offsite
13 ophthalmology appointment because the escorting custody staff
was Officer [REDACTED]. I told staff members that I was afraid of him, but that
14 I'd be willing to go to the appointment if another officer escorted me.

15 When I did see my mental health clinician, I talked about the assault and
reported that I feared for my life at the hands of custody officers. This
16 information was also discussed during the IDTT. I did not trust custody staff
after what they did to me. I experienced nightmares and flashbacks to the
17 assault. After the assault and until I left CCI, I slept sitting up in my cell
with my boots still on my feet. I believed I needed to be ready in case of
18 another attack. I did not sleep lying down with my boots off until I was
transferred to SVSP.

19 While at CCI, there were many times that I needed help from custody staff
20 but didn't ask for it because I was afraid of what would happen to me. I did
not file some grievances because I was afraid of retaliation. I also stopped
21 requesting things from officers, including special meals for my dietary
restrictions, razors, and writing supplies. I tried to decrease the amount of
22 mental health and medical help that I needed. I would simply agree to
everything custody staff told me. I was living in fear.³⁰⁶

23 Because my mental health had decompensated so severely, the team decided
24 to raise my level of care from CCCMS to EOP. CCI does not house EOP
patients, and so this meant that I was going to be transferred to another
25 institution. On April 10, 2020, I was transferred to SVSP, where I remain to

27 ³⁰⁵ Baldwin Decl., ¶ 59

28 ³⁰⁶ Declaration of [REDACTED] ¶¶ 22-24

[3618027.3]

1 this day.³⁰⁷

2 **III. Cameras Are Not Enough to Hold Staff Accountable for Disability-related**
 3 **Misconduct Because CDCR's Discipline System is Broken**

4 213. I have reviewed Sentinel Case Number 20-04, published on August 19, 2020,
 5 titled "The Department Made an Egregious Error in Judgment and Relied on Poor Legal
 6 Advice When It Did Not Sustain Dishonesty Allegations and Dismiss Two Officers in a
 7 Use-of-Force Case," as well as viewed the two videos associated with the incident that is
 8 the subject of the Sentinel Case.

9 214. The facts of the case are relatively simple. On November 21, 2018, a
 10 *Coleman* class member reportedly spat on an officer's face, arm, and shoulder at a "prison
 11 in northern California," that Plaintiffs have informed me is [REDACTED]
 12 [REDACTED] A few hours later, the *Coleman* class member was escorted from the
 13 yard in a jumpsuit and a spit-mask while in restraints. At this point, when officers escorted
 14 the class member through a tarp-covered gate, the stories told by officers diverge
 15 considerably from the video recording of the incident.

16 215. The two officers escorting the class member report, much like in multiple
 17 cases I reviewed in this report, that the class member attempted to break free of the escort,
 18 which necessitated the use of force against him. These officers further report that, because
 19 the *Coleman* class member continued to resist on the ground, the officers had to use further
 20 force, including punching the incarcerated person in the face ten to twelve times. As the
 21 OIG found, the video recording of the incident shows a much different version of events.
 22 Right before the first officer, the second officer, and the handcuffed incarcerated person
 23 enter through the open gate, the first officer clearly nods at the second officer. Watching
 24 the video, it is impossible to not interpret the nod as a signal from one officer to the other
 25 to begin their assault. After the nod, the second officer immediately rushed forward from
 26 behind, putting his hands on the class members back even though the class member did not
 27 appear to resist in any way. The officers then tackle the class member to the ground.

28 ³⁰⁷ Declaration of [REDACTED] ¶ 26

1 Although the tarp partially obstructs the camera's view, it is clear from the recording that
2 once they were on the ground, one officer hit the incarcerated person with his left fist at
3 least 13 times in rapid succession. The video does not show any justification for the initial
4 take-down of the *Coleman* class member, let alone the subsequent punches to the class
5 member's face by one of the officers. This incident is appalling and shows why body
6 worn cameras are necessary—to avoid beatings behind blind spots. And aside from the
7 fact of the camera partially recording this incident, the facts otherwise appear very similar
8 to multiple cases presented by Plaintiffs' counsel's evidence.

9 216. The OIG describes that, while the Warden and an Associate Director both
10 sustained allegations that the officers had used unreasonable force and lied in their reports
11 and interviews with OIA, CDCR attorneys invoked executive review on both of these
12 findings. When the matter was escalated to a Deputy Director, she “concluded that she did
13 not see any misconduct, despite reviewing the video numerous times...” The OIG then
14 invoked executive review to a CDCR Director, who sustained the original allegations
15 against the officers. The case was once again challenged by CDCR attorneys in the
16 executive review process. The final decision-maker, the Undersecretary for CDCR,
17 ultimately decided that the officers used unreasonable force when they took the
18 incarcerated person to the ground, but he did not sustain the allegations of dishonesty, and
19 imposed against each officer a 60-working day suspension. The OIG did not concur with
20 the outcome of this case, finding that there was a preponderance of evidence to sustain the
21 dishonesty allegations against both officers. I concur with the OIG's evaluation.

22 217. CDCR ultimately settled with both officers at a State Personnel Board
23 settlement conference. As part of the settlement, “[t]he department agreed to remove the
24 first officer's disciplinary action from his official personnel file six months from the
25 effective date of the action, potentially preventing others who would review his official
26 personnel file in the future (such as those who would review it for consideration of
27 departmental promotions or other potential reviewers, such as outside law enforcement
28 agencies) from being made aware of the specific facts and nature of the first officer's

1 lack of resources. It is the culture.

2 221. Changing prison culture is very, very difficult. It takes strong leadership and
3 many years. Despite decades of losing litigation about the impacts of the CDCR culture on
4 the incarcerated people in their care, I see very little change in how this prison system
5 operates. Officers do not understand or practice that treating incarcerated people with
6 dignity and respect is actually the safer method of ensuring everyone's safety. Most of the
7 leadership of CDCR came up through the ranks of the organization and do not actually
8 understand that there are different and better ways to manage incarcerated people, which in
9 my opinion is directly related to their inability to make meaningful and sustained change

10 222. In my opinion staff misconduct will persist in a system where officers are not
11 held accountable. Officers will not be held accountable in CDCR without the following
12 changes implemented statewide:

13 223. **Surveillance Cameras**—All the experts in this case recognize the need for
14 at least some additional surveillance cameras. The disagreement is in how long it will take
15 to install cameras. I stand by the research-based recommendation that I made in a previous
16 declaration.³⁰⁸ To summarize that recommendation, CDCR could have cameras installed
17 and operating within a matter of months, not a year or more as argued by Defendants'
18 experts. Critical to a shorter time frame is the focus and cooperation of CDCR officials in
19 the installation process. In my opinion this single protective factor will reduce the abuse of
20 incarcerated people in CDCR prisons.

21 224. **Body-Worn Cameras**—Defendants' experts argue that body-worn cameras
22 are unnecessary. I disagree. As I stated above, the level of documented physical brutality
23 document in CDCR prisons goes far beyond what exists in other systems I have inspected.
24 Given that level of violence in my opinion this intervention is necessary to protect the
25 incarcerated population in CDCR facilities. It is true that this is not a widespread practice
26 in prisons across the country. But since CDCR "leads the way" in the level of violence
27

28 ³⁰⁸ Vail RJD Reply Decl., ¶ 60-71

1 against their incarcerated population it is my opinion that they should also lead the way in
 2 the use of body-cameras. Mr. Cate acknowledges that they are in place in Los Angeles
 3 County jails,³⁰⁹ a very large jail system. Mr. Cate also opines, “I understand it has been
 4 argued that only body worn cameras provide audio recordings, but that is not true”.³¹⁰ I
 5 have not argued that “only” body-worn cameras capture audio. What I did say is:

6 In my opinion, a distinct advantage to body worn cameras is that they
 7 capture audio as well as video. Surveillance cameras often do not capture
 8 audio, and even when they do, their distance from an event makes it difficult
 9 to determine what was actually said.³¹¹

10 I stand by the research-based recommendation I made in a previous declaration³¹² that
 11 illustrates the efficacy of body-worn cameras in correctional institutions.

12 225. **Controlled UOF**—There are multiple examples in this declaration and in
 13 my previous declarations about RJD of CDCR officers using immediate use of force
 14 instead of controlled use of force procedures. CDCR administrators must make it a
 15 priority target such incidences and hold officers and their supervisors accountable when
 16 immediate force is used when controlled was the better option. CDCR officers are quite
 17 adept at camouflaging the details of a use a force event to make it look like immediate use
 18 of force was required. It will require special diligence by CDCR administrators to detect
 19 when this occurs. The recommendation for cameras, both surveillance and body-worn,
 20 will assist them in this challenging undertaking. It will be worth it, however, in reduced
 21 human suffering, not to mention the cost to taxpayers in extended sentences and trips to
 22 outside hospitals.

23 226. **Weighing Pepper Spray**—Defendants’ experts Warner and Cate argue
 24 against weighing pepper spray. Mr. Warner says it is “impractical” and Mr. Cate says the
 25

26 ³⁰⁹ Cate Decl., ¶ 99

27 ³¹⁰ *Ibid.*

28 ³¹¹ Vail RJD Reply Decl., ¶ 71

³¹² *Ibid.*, ¶¶ 60-71

1 amount of spray used does not appear to be a problem.³¹³ I disagree. In his role at the
 2 private prison company, MTC, Mr. Warner oversaw at least one prison in Mississippi
 3 where pepper spray canisters are indeed weighed. Mr. McGinnis confirms this in his
 4 declaration related to this case.³¹⁴

5 227. Regarding the need to weigh canisters, several declarations of incarcerated
 6 people in this case illustrate the nature of my concern for too much pepper spray.

7 Mr. [REDACTED] reports witnessing an entire can of spray deployed against another person.³¹⁵

8 Mr. [REDACTED] reports the following:

9 [REDACTED] d that I was going to file a complaint, I could see from Officer
 10 [REDACTED] facial expression that he had become even more upset. One of
 11 the officers then unlocked the tray s [REDACTED] e cell. I backed about two or
 12 three away from the door. Officer [REDACTED] then crouched down and stuck a
 13 pepper spray canister through the tray slot. Without saying anything or
 14 giving any warning, he shot me directly in the face with pepperspray. I
 15 turned around and got down on the ground. He kept shooting me in the back
 16 with the pepper spray. He then started shooting my cell mate, who was
 17 standing in the back of the cell, with the pepper spray. I was not wearing a
 18 shirt at the time so my skin was burning everywhere. I was in incredible
 19 pain and had trouble breathing bec [REDACTED] spray got in my mouth. My cell
 20 mate and I were yelling at Officer [REDACTED] that we had not done anything
 21 wrong. My cell mate also said that he only had one functioning eye
 22 concerned the spray would hurt his vision in his good eye. Officer [REDACTED]
 23 said "I don't give a fuck about your one eyeball."

24 Officer [REDACTED] stopped shooting us for a moment and yelled at us to get
 25 down on the ground even though [REDACTED] eady on the ground. My cell mate
 26 got on the ground. Then Officer [REDACTED] started shooting us with pepper
 27 spray again. He shot me on my back because I had turned away from the
 28 door. I tried crawling under the bed to p [REDACTED] yself from the pepper spray
 so it would not get in m [REDACTED] s. Officer [REDACTED] then stopped spraying us.
 He then asked Officer [REDACTED] for another can of pepper spray. Though I
 could not see what happened because I was turned away from the door, I do
 know that a few seconds later he started shooting me with pepper spray
 again. At this point I was covered in pepper spray all over my body. I could
 not breathe or see. I was gagging, disoriented, and in tremendous pain.³¹⁶

There are other such examples in the record in this case. The practice of using too much

³¹³ Warner Decl., ¶ 37; Cate Decl., ¶ 106

³¹⁴ Declaration of McGinnis in Support of Defendants' Opposition to RJD Motion, Dkt. 3006-2, at 31

³¹⁵ Declaration of [REDACTED] ¶ 9, 11

³¹⁶ Supplemental Declaration of [REDACTED] ¶¶ 12-13

1 spray has long been a problem in CDCR, a problem I have documented in previous
 2 cases.³¹⁷ A previous ruling in the *Coleman* case documents necessary changes to the use
 3 of pepper spray for mentally ill people.³¹⁸ I do not believe these changes are being
 4 followed with the mentally ill and it is time that CDCR does so. In my opinion these
 5 requirements should also apply to *Armstrong* class members.

6 228. Defendants argue that weighing canisters would be too difficult. I do not
 7 argue that it would not be a challenge. I offer as a possible solution issuing pepper spray
 8 canisters to individual officers to keep in their possession. The canister should be issued
 9 full and then weighed when usage is reported. That way it can be known how much spray
 10 was used in a particular incident.

11 229. **Implement Retaliation Monitoring**—I offer here the same
 12 recommendation to reduce the frequency of retaliation against class members from a
 13 previous declaration:

14 Similar to what PREA requires, create guidelines providing for follow up for
 15 any incarcerated person who files a staff complaint to make certain they are
 not suffering retaliation for at least 90 days.³¹⁹

16 230. **Review RVRs of Declarants**—Also from a previous declaration, it is my
 17 opinion that the RVR process at multiple CDCR institutions is dysfunctional. I
 18 recommend:

19 The RVRs imposed on the declarants should be reviewed by a neutral third
 20 party or expert to determine if they were justified or retaliatory, and if the
 21 latter, the RVRs should be expunged from the C-file of the incarcerated
 person.³²⁰

22 231. **Empower Mental Health and Medical Staff to Protect Class Members**—

23 ³¹⁷*Coleman v. Brown*, Expert Declaration of Eldon Vail, filed May 29, 2013, Dkt. 4638-1;
 24 *Coleman v. Brown*, Expert Declaration of Eldon Vail, filed August 23, 2013, Dkt.4766-2;
 25 *Coleman v. Brown*, Expert Declaration of Eldon Vail, filed February 12, 2014, Dkt. 5065-
 1; *Padilla v. Beard*, Expert Declaration of Eldon Vail, filed February 26, 2016

26 ³¹⁸ Order Granting in Part Motion for Enforcement re UOF & Motion re Seg., April 10,
 2014, Dkt. 5131

27 ³¹⁹ Vail RJD Reply Decl., ¶ 87

28 ³²⁰ *Ibid.*

1 In my opinion a key opportunity to change the culture of CDCR is to empower mental
 2 health and medical staff to re-orient their work to take an advocacy stance about the safety
 3 of the incarcerated class members. I opined at great length about doing this with my own
 4 mental health staff in Washington and our success as well as an example from another
 5 jurisdiction in previous declarations.³²¹ CDCR must embark on similar endeavors if the
 6 culture with correctional officers and class members is ever to change. Regarding medical
 7 staff, again from a previous declaration, I offer this recommendation and believe it should
 8 be extended beyond RJD:

9 Medical staff has a unique opportunity at helping change RJD. They are best
 10 placed to know what kind of injuries the class members are experiencing.
 11 Each of them must be instructed to analyze those injuries to see if they are
 12 consistent with the report of the incident that caused the injury. This data
 13 should be collected and shared, similar to what I recommend below for use
 14 of force and staff misconduct complaints. If this happens detail on specific
 15 incidents and trends in general will be available to assist administrators in
 16 combating the problem of persistent abuse at RJD.³²²

17 232. **Re-train Officers**—I have no doubt that CDCR officers have been trained
 18 about the requirements of the *Armstrong* and *Coleman* cases, yet there examples after
 19 examples that the abuse of class members continues. It is my opinion that they should be
 20 re-trained with a focus on accountability for their compliance with that training. It is only
 21 fair to be clear with the officers that inappropriate punches and kicks, using too much
 22 pepper spray, retaliation, etc. will no longer be tolerated and if they engage in those
 23 behaviors it may well impact their job status.

24 233. **Implement an Early Warning System**—As I said, again from a previous
 25 declaration:

26 Collecting and analyzing data for staff misconduct complaints (to include
 27 dates and time for any related investigation), use of force events and
 28 incidents involving self-harm or suicide attempts is critical. This data needs
 to be studied and analyzed by shift, by living unit, by location and by
 individual staff members to identify problems and trends relative to the
Armstrong and *Coleman* class members.

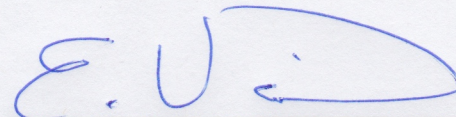
³²¹ Declaration of Vail in Support of RJD Motion (“Vail RJD Decl.”), ¶¶ 106-110; Vail RJD Reply Decl., ¶ 83

³²² Vail RJD Decl., ¶ 114

1 Add to this the information I recommend that medical staff collect and CDCR would have
2 the raw material to detect and intervene when a particular facility is having problems.

3 234. Without such changes that I recommend here, which are largely structural, I
4 do not see the culture of CDCR prisons changing. Even if these changes are implemented
5 it will require careful monitoring of their implementation to make certain they are not
6 undermined.

7
8 I declare under penalty of perjury under the laws of the United States of America
9 that the foregoing is true and correct to the best of my knowledge, and that this declaration
10 is executed at Olympia, Washington this 24 day of September, 2020.

11
12
13 

14 Eldon Vail

INDEX OF EXHIBITS TO DECLARATION OF ELDON VAIL IN SUPPORT OF
PLAINTIFFS' REPLY RE MOTION TO STOP DEFENDANTS FROM
ASSAULTING, ABUSING AND RETALIATING AGAINST PWD
Redacted and Under Seal versions filed on September 25, 2020

Exhibit	Description
A	Document produced by Defs Bates numbered DOJ-LAC00017804 – 18816 – Incident Report Log No. LAC-BYRD-18-12-1068 ([REDACTED])
B	Document produced by Defs Bates numbered DOJ-LAC00017771 – 17772, 3013 for Inc. No. LAC-BYRD-18-12-1068 ([REDACTED])
C	Document produced by Defs Bates numbered DOJ-LAC00017829 – 17834, Memo re Allegation Inquiry, dated March 25, 2020 ([REDACTED])
D	Media produced by Defs – Video interview of Mr. [REDACTED]
E	Documents produced by Defs for Warner deposition – Institutional Executive Committee Allegation Review re Incident Log No. 4982 ([REDACTED])
F	Document produced by Defs Bates numbered DOJ-LAC00019475, 7219 Medical Report of Injury ([REDACTED]) July 25, 2018
G	Outside Hospital Medical Records re [REDACTED] [REDACTED]
H	Excerpts from Plaintiffs' Report re December 2018 Monitoring Tour of California State Prison-Los [REDACTED] County, March 19, 2019
I	Document produced by Defs, Bates numbered DOJ-LAC00019509 -19516, Allegation Inquiry ([REDACTED]) March 23, 2020
J	Document produced by Defs, Bates numbered DOJ-LAC00019497 -19500, Confidential Supplement to Appeal, Log No. LAC-0-18-03959 ([REDACTED])
K	Document produced by Defs, Bates numbered DOJ-LAC00019469 – 19470, Incident Report Log No. LAC-D05-18-07-0630 ([REDACTED])
L	Document produced by Defs, Bates numbered DOJ-LAC00019449 – 19451, Second Level Appeal Response re Log No. LAC-048-04899 ([REDACTED])
M	Media produced by Defs, Video interview of Mr. [REDACTED] re November 9, 2019 incident
N	Media produced by Defs, Audio interview of Mr. [REDACTED] re November 9, 2019 incident
O	Document produced by Defs, Bates numbered DOJ-LAC00017891 – 17893, Confidential Supplement to Appeal, Log No. LAC-B-19-05905 ([REDACTED])
P	CDCR EHRS system record, November 12, 2019 SOAPE for [REDACTED]
Q	Documents produced by Defs for Warner deposition – Rules Violation Report Log No. 6896264 ([REDACTED])
R	Documents produced by Defs for Warner deposition – Confidential Supplement to Appeal, Log No. KVSP-O-19-03519 ([REDACTED])
S	Documents produced by Defs for Warner deposition, CDCR 837-C Incident Report, Log No. KVSP-FCY-19-08-0811 ([REDACTED])

INDEX OF EXHIBITS TO DECLARATION OF ELDON VAIL IN SUPPORT OF
PLAINTIFFS' REPLY RE MOTION TO STOP DEFENDANTS FROM
ASSAULTING, ABUSING AND RETALIATING AGAINST PWD
Redacted and Under Seal versions filed on September 25, 2020

Exhibit	Description
T	Documents produced by Defs for Warner deposition – Confidential Supplement to Appeal, Log No. KVSP-O-19-03685 ([REDACTED])
U	Documents produced by Defs for Warner deposition – CDCR 3014 Report of Findings – Inmate Interview, Log No. KVSP-O-19-03685 ([REDACTED])
V	Outside Hospital Records for [REDACTED] September 17, 2019
W	Documents produced by Defs for Warner deposition – CDCR 837-C Incident Report, Log No. KVSP-FC8-19-09-0868 ([REDACTED] and [REDACTED])
X	Medical record for [REDACTED] September 17, 2019
Y	Mental health record for [REDACTED] September 17, 2019
Z	Medical record for [REDACTED] June 29, 2018
AA	Mental health record for [REDACTED] June 18, 2018
BB	Medical record for [REDACTED] April 7, 2020
CC	Outside hospital record for [REDACTED] April 11, 2020
DD	Medical record for [REDACTED] January 19, 2020
EE	Medical record for [REDACTED] January 19, 2020
FF	Outside hospital record for [REDACTED] January 19, 2020
GG	Documents produced by Defs, Bates numbered DOJ-LAC00016034-16025 – Confidential Supplement to Appeal, Log No. LAC-S-20-00469 ([REDACTED])
HH	Documents produced by Defs, Bates numbered DOJ-LAC00018041 – 18046, CDCR email and attachments re Case No. S-LAC-254-20-P ([REDACTED])
II	Documents produced by Defs, Bates numbered DOJ-LAC00017694 - 18033 - Incident Package re Log No. 5339 ([REDACTED])
JJ	Outside hospital record for [REDACTED] January 8, 2020
KK	Outside hospital record for [REDACTED] September 3-5, 2019
LL	Documents produced by Defs for Baldwin deposition – Confidential Supplement to Appeal, Log No. COR-2140-19-250 ([REDACTED])
MM	7410 for [REDACTED] July 2, 2019
NN	Documents produced by Defs for Baldwin deposition – Incident Report Package, Log No. 2495 ([REDACTED])
OO	Documents produced by Defs for Baldwin deposition – Second Level Appeal Response, No. CCI-0-20-01379 ([REDACTED])
PP	Documents produced by Defs for Baldwin deposition – CDCR 3014 Report of Findings – Inmate Interview, Log No. KVSP-0-19-02775 ([REDACTED])
QQ	Medical record for [REDACTED] July 9, 2019
RR	Outside hospital record for [REDACTED] August 27, 2019

INDEX OF EXHIBITS TO DECLARATION OF ELDON VAIL IN SUPPORT OF PLAINTIFFS' REPLY RE MOTION TO STOP DEFENDANTS FROM ASSAULTING, ABUSING AND RETALIATING AGAINST PWD Redacted and Under Seal versions filed on September 25, 2020	
Exhibit	Description
SS	Documents produced by Defs for Warner deposition – CDCR 837-C Incident Report/Staff Reports, Log No. KVSP-FCY-19-08-0812 ([REDACTED])
TT	Documents produced by Defs for Warner deposition – Confidential Supplement to Appeal, Log No. KVSP-O-20-00661 ([REDACTED])
UU	Media produced by Defs – Video interview of Mr. [REDACTED]
VV	Documents produced by Defs for Baldwin deposition – CDCR Memo re Allegations of Staff Misconduct – [REDACTED] April 30, 2020
WW	Document produced by Defs, Bates number DOJ-LAC00019670 - 19678 Allegation Inquiry – Allegations of Staff Misconduct ([REDACTED])
XX	Medical record for [REDACTED] September 8, 2019
YY	Medical record for [REDACTED] December 3, 2019
ZZ	Media produced by Defs for Baldwin deposition – Video interview of Mr. [REDACTED] (1 of 2)
AAA	Media produced by Defs for Baldwin deposition – Video interview of Mr. [REDACTED] (2 of 2)
BBB	Medical record for [REDACTED] June 21, 2017
CCC	1845/7410 for [REDACTED] March 15, 2018
DDD	Document produced by Defs Bates numbered DOJ-LAC00017737 – 17740, 602 Appeal Log No. LAC – 17-03308 ([REDACTED])
EEE	Medical record for [REDACTED] July 1, 2017
FFF	Medical record for [REDACTED] March 18, 2020
GGG	Document produced by Defs, Bates numbered DOJ-LAC00017624 – 17632, Allegation Inquiry – Allegations of Staff Misconduct/Excessive Force Made by Inmate [REDACTED]

EXHIBIT 1

EXHIBIT 1**COMPLETE LIST OF DOCUMENTS REVIEWED
BY ELDON VAIL IN PREPARATION OF DECLARATION**

California Code of Regulations, Title 15, Division 3, Rules and Regulations of Adult Institutions, Programs, and Parole, Department of Corrections and Rehabilitation, updated through June 1, 2018
CDCR Department Operations Manual (DOM), updated through January 1, 2019
Fiscal year 2020-21 CDCR Budget Change Proposal: Correctional Video Surveillance/Drug Interdiction Project Continuation
U.S. Department of Justice, “Body-Worn Camera Policy and Implementation Program to Support Law Enforcement Agencies FY 2019 Competitive Grant Announcement”, release date April 5, 2019
Bureau of Justice Assistance, U.S. Department of Justice, “Body-Worn Camera Policy and Implementation Program to Support Law Enforcement Agencies FY 2019 Competitive Grant, Frequently Asked Questions”, last updated March 14, 2019
Kristy N. Matsuda, Jim Hess, Susan F. Turner, and Adrienne Credo, Center for Evidence-Based Corrections, <i>The Effect of Camera Installation on Violence at High Desert State Prison</i> , revised May 9, 2018
Court Ordered Remedial Plan, <i>Armstrong v. Davis</i> , USDC Northern District Case No. C 94-2307 CW, Amended January 3, 2001 (“ <i>Armstrong</i> Remedial Plan”)
CDCR form 1845 Disability Placement Program Verification (DPPV) (Rev. 2/14)
Letter from Gay Crosthwait Grunfeld to Russa Boy and Nicholas Weber, CDCR Office of Legal Affairs, re: Staff Misconduct at Richard J. Donovan Correctional Facility, with enclosures, dated November 13, 2019 (“Demand Letter”)
Email from Russa Boyd to Gay Crosthwait Grunfeld, Michael Freedman, Penny Godbold, and Ed Swanson re: RJD updates, dated January 24, 2020
RBGG chart entitled “RJD Staff Misconduct against <i>Armstrong</i> and <i>Coleman</i> Class member: Advocacy Letters from Plaintiffs’ Counsel and CDCR Responses,” last updated January 14, 2020 (“RJD SM Advocacy Letter & Response Chart”)

EXHIBIT 1**COMPLETE LIST OF DOCUMENTS REVIEWED
BY ELDON VAIL IN PREPARATION OF DECLARATION**

Plaintiffs' Advocacy Letters and CDCR responses listed in the above-referenced RJD SM Advocacy Letter & Response Chart, last updated January 14, 2020 as follows:

Date of Plaintiffs' Counsel Advocacy Letter	Subject of Letter	Date of Defendants Letter in Response (if any)
March 2, 2018	[REDACTED] DPM, EOP; [REDACTED] DPM; [REDACTED] EOP	
March 14, 2018	[REDACTED] DPO	June 12, 2018
November 9, 2018	[REDACTED] DPM	
November 14, 2017	Unknown EOP victim dragged down stairs	
January 8, 2019	[REDACTED] DPH	July 17, 2019
February 26, 2019	Unknown "Elderly ADA Inmate" victim	November 1, 2019
February 26, 2019	[REDACTED] DPM	October 23, 2019
February 26, 2019	[REDACTED] DNH	
March 21, 2019	[REDACTED] DPM	July 31, 2019
April 18, 2019	[REDACTED] DNH	July 25, 2019
May 24, 2019	[REDACTED] DPO, DNH, CCCMS	
May 31, 2019	[REDACTED] DNH, EOP	December 30, 2019
June 28, 2019	[REDACTED] DPO, EOP	January 9, 2020
July 12, 2019	[REDACTED] DPO, EOP	
July 12, 2019	[REDACTED] DNH, EOP (supplemental)	December 30, 2019
July 17, 2019	[REDACTED] DPM	November 19, 2019
October 4, 2019	[REDACTED] EOP	December 26, 2019 and October 11, 2019 acknowledgment
October 10, 2019	[REDACTED] EOP	October 30, 2019
October 23, 2019	[REDACTED] DPM (supplemental)	
October 29, 2019	[REDACTED] DPM, DNH	
Letter from Ursula Stuter, Office of Legal Affairs, to Penny Godbold re Advocacy Letter re <i>Armstrong</i> and Coleman Class Member, [REDACTED] dated February 3, 2020		

EXHIBIT 1**COMPLETE LIST OF DOCUMENTS REVIEWED
BY ELDON VAIL IN PREPARATION OF DECLARATION**

Documents produced in *Armstrong v. Newsom* relating to investigation in connection with advocacy for [REDACTED] [REDACTED] [REDACTED] at Bates Nos:

- DOJ00001360 – 1380 (Highly Confidential – Attorneys Eyes Only)
- DOJ00003364
- DOJ00003365 – 3368
- DOJ00003386 – 3389
- DOJ00003390

Documents produced in *Armstrong v. Newsom* relating to investigations as follows:

- DOJ00000913 - 999
- DOJ00001260 – 1280 (designated Highly Confidential – Attorneys Eyes Only)
- DOJ00003683 – 3690 (designated Highly Confidential – Attorneys Eyes Only)
- DOJ00012971 – 12983 (designated Confidential)

Documents produced by CDCR PMK Tricia Ramos in February 4, 2020 deposition in *Armstrong v. Newsom* as follows:

- Handwritten notes by Tricia Ramos re investigation Log No. S-RJD-086-19-A
- Internal Affairs Investigation Report – Confidential - by Special Agent Richard P. Lee to Marcus Pollard, Warden (A), RJD, re Case Number S-RJD-096-19-A, dated November 27, 2019
- Internal Affairs Investigation Report – Supplemental Report Confidential - by Special Agent Richard P. Lee to Marcus Pollard, Warden (A), RJD, re Case Number S-RJD-096-19-A, dated January 7, 2020

Transcript of Deposition of OIG Roy Wesley, taken January 22, 2020 in *Armstrong v. Newsom*

Office of the Inspector General, “Monitoring the Use of Force” (Exhibit 8 to the Transcript of the Deposition of Roy Wesley), issued June 2019

Office of the Inspector General, “Monitoring the Internal Investigations and Employee Disciplinary Process of the California Department of Corrections and Rehabilitation, Semiannual Report January-June 2019, issued November 2019

EXHIBIT 1**COMPLETE LIST OF DOCUMENTS REVIEWED
BY ELDON VAIL IN PREPARATION OF DECLARATION**

Transcript of the Deposition of Kimberly Seibel, taken January 29, 2020 (both confidential and non-confidential portions) in <i>Armstrong v. Newsom</i>
Confidential Exhibit 13 to Deposition of Kimberly Seibel, taken January 29, 2020
Transcript of the Deposition of Patricia Ramos, taken February 4, 2020 in <i>Armstrong v. Newsom</i>
Transcript of the Deposition of Jessica Bolton, taken February 13, 2020 in <i>Armstrong v. Newsom</i>
Memorandum dated December 10, 2018 from J.L. Bishop, Associate Warden, California Institution for Men, to Kimberly Seibel, Associate Director Reception Center Mission, CDCR, entitled "Findings of Inmate Interviews at Richard J. Donovan Correction Facility, December 4-5, 2018, produced in <i>Armstrong v. Newsom</i> at DOJ00000358-374 and designated HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY
Memorandum dated January 26, [2019] from [REDACTED] Correctional Sergeant, Investigative Services Unit, California Institution for Men, to P. Covello, Acting Warden, Richard J. Donovan Correctional Facility, re: Richard J. Donovan Correctional Facility, Facility C, further investigation/referral, produced in <i>Armstrong v. Newsom</i> at DOJ00000050-57 and designated HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY
Memorandum dated January 26, [2019] from [REDACTED] Correctional Sergeant, Investigative Services Unit, California Institution for Men, to P. Covello, Acting Warden, Richard J. Donovan Correctional Facility, re: Richard J. Donovan Correctional Facility, Facility C, non-referrals, produced in <i>Armstrong v. Newsom</i> at DOJ00000418-426 and designated HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY
RJD Inquiry, Inmate Interview Worksheets, for interviews conducted December 4-5, 2018, produced in <i>Armstrong v. Newsom</i> at Bates Nos.: • DOJ00003827-3832 • DOJ00003833-3838 • DOJ00003839-3844 • DOJ00003845-3850

EXHIBIT 1

**COMPLETE LIST OF DOCUMENTS REVIEWED
BY ELDON VAIL IN PREPARATION OF DECLARATION**

- DOJ00003851-3856
- DOJ00003857-3862
- DOJ00003863-3868
- DOJ00003869-3874
- DOJ00003875-3880
- DOJ00003881-3886
- DOJ00003887-3892
- DOJ00003893-3898
- DOJ00003899-3904
- DOJ00003905-3910
- DOJ00003911-3916
- DOJ00003917-3922
- DOJ00003923-3826
- DOJ00003923-3928
- DOJ00003929-3934
- DOJ00003935-3940
- DOJ00003941-3946
- DOJ00003947-3952
- DOJ00003953-3958
- DOJ00003959-3964
- DOJ00003965-3970
- DOJ00003971-3976
- DOJ00003977-3982
- DOJ00003983-3988
- DOJ00003989-3994
- DOJ00003995-4000
- DOJ00004001-4006
- DOJ00004007-4012

EXHIBIT 1

**COMPLETE LIST OF DOCUMENTS REVIEWED
BY ELDON VAIL IN PREPARATION OF DECLARATION**

- DOJ00004013-4018
- DOJ00004019-4030
- DOJ00004031-4036
- DOJ00004037-4042
- DOJ00004043-4048
- DOJ00004049-4054
- DOJ00004055-4060
- DOJ00004061-4066
- DOJ00004067-4072
- DOJ00004073-4078
- DOJ00004079-4084
- DOJ00004085-4090
- DOJ00004091-4096
- DOJ00004097-4102
- DOJ00004103-4108
- DOJ00004109-4114
- DOJ00004115-4294
- DOJ00004295-4300
- DOJ00004301-4306
- DOJ00004307-4312
- DOJ00004313-4318
- DOJ00004319-4324
- DOJ00004325-4330
- DOJ00004331-4336
- DOJ00004331-4354
- DOJ00004337-4342
- DOJ00004343-4348
- DOJ00004349-4330

EXHIBIT 1

**COMPLETE LIST OF DOCUMENTS REVIEWED
BY ELDON VAIL IN PREPARATION OF DECLARATION**

- DOJ00004355-4360
- DOJ00004361-4366
- DOJ00004367-4372
- DOJ00004373-4378
- DOJ00004379-4384
- DOJ00004385-4390
- DOJ00004391-4396
- DOJ00004397-4402
- DOJ00004403-4408
- DOJ00004409-4414
- DOJ00004415-4420
- DOJ00004421-4426
- DOJ00004427-4432
- DOJ00004433-4438
- DOJ00004439-4444
- DOJ00004445-4450
- DOJ00004451-4456
- DOJ00004457-4462
- DOJ00004463-4468
- DOJ00004469-4474
- DOJ00004475-4480
- DOJ00004481-4486
- DOJ00004487-4492
- DOJ00004493-4498
- DOJ00004499-4504

and designated HIGHLY CONFIDENTIAL-ATTORNEYS' EYES ONLY
(cited collectively as "01_DOJ00003827 – 083_DOJ00004499")

EXHIBIT 1**COMPLETE LIST OF DOCUMENTS REVIEWED
BY ELDON VAIL IN PREPARATION OF DECLARATION**

Email string dated December 5 – December 11, 2018 between Sara Malone, Connie Gipson, Jeff MacComber, Sandra Alfaro re: RJD, produced at DOJ00013199 – 13202 in *Armstrong v. Newsom*

Signed Confidential Declarations from *Armstrong* and *Coleman* class members as follows [Last Name, CDCR Number, date signed]:

- [REDACTED] January 8, 2020
- [REDACTED] January 31, 2020
- [REDACTED] February 18, 2020
- [REDACTED] January 29, 2020
- [REDACTED] January 29, 2020
- [REDACTED] January 25, 2020
- [REDACTED] January 8, 2020
- [REDACTED] January 7, 2020
- [REDACTED] January 7, 2020
- [REDACTED] January 8, 2020
- [REDACTED] January 6, 2020
- [REDACTED] January 24, 2020
- [REDACTED] December 18, 2019
- [REDACTED] January 7, 2020
- [REDACTED] January 5, 2020
- [REDACTED] January 8, 2020
- [REDACTED] January 8, 2020
- [REDACTED] February 7, 2020
- [REDACTED] January 8, 2020
- [REDACTED] January 8, 2020
- [REDACTED] January 7, 2020
- [REDACTED] January 8, 2020
- [REDACTED] January 7, 2020

EXHIBIT 1**COMPLETE LIST OF DOCUMENTS REVIEWED
BY ELDON VAIL IN PREPARATION OF DECLARATION**

- [REDACTED] [REDACTED] December 17, 2019
- [REDACTED] [REDACTED] January 7, 2020
- [REDACTED] [REDACTED] February 10, 2020
- [REDACTED] [REDACTED] January 6, 2020
- [REDACTED] [REDACTED] January 8, 2020
- [REDACTED] [REDACTED] January 30, 2020
- [REDACTED] [REDACTED] January 8, 2020
- [REDACTED] [REDACTED] January 7, 2020
- [REDACTED] [REDACTED] January 7, 2020
- [REDACTED] [REDACTED] January 7, 2020
- [REDACTED] [REDACTED] January 8, 2020
- [REDACTED] [REDACTED] December 16, 2019
- [REDACTED] [REDACTED] January 7, 2020
- [REDACTED] [REDACTED] January 19, 2020
- [REDACTED] [REDACTED] January 30, 2020
- [REDACTED] [REDACTED] January 7, 2020
- [REDACTED] [REDACTED] January 7, 2020
- [REDACTED] [REDACTED] February 6, 2020
- [REDACTED] [REDACTED] January 7, 2020
- [REDACTED] [REDACTED] January 7, 2020
- [REDACTED] [REDACTED] January 29, 2020
- [REDACTED] [REDACTED] January 6, 2020
- [REDACTED] [REDACTED] January 26, 2020
- [REDACTED] [REDACTED] January 1, 2020
- [REDACTED] [REDACTED] January 7, 2020
- [REDACTED] [REDACTED] January 7, 2020
- [REDACTED] [REDACTED] January 7, 2020
- [REDACTED] [REDACTED] January 7, 2020

EXHIBIT 1**COMPLETE LIST OF DOCUMENTS REVIEWED
BY ELDON VAIL IN PREPARATION OF DECLARATION**

• [REDACTED] [REDACTED] January 7, 2020 • [REDACTED] [REDACTED] January 8, 2020 • [REDACTED] [REDACTED] January 7, 2020 • [REDACTED] [REDACTED] December 16, 2019
Document created by Rosen Bien Galvan & Grunfeld entitled “List of Repeat Staff Offender Implicated in <i>Armstrong</i> and <i>Coleman</i> Class Member Declarations
Reporter’s Transcripts re: Evidentiary Hearing in <i>Coleman v. Brown</i> , USDC Eastern District Case No. CIV-S-90-0520 LKK, for hearings conducted October 1, 2 and 17, 2013
Order granting in part motion for enforcement of court orders and affirmative relief related to use of force and disciplinary measures and granting in part motion for enforcement of judgment and affirmative orders related to segregated housing, in <i>Coleman v. Brown</i> , USDC Eastern District Case No. CIV-S-90-0520 LKK, filed April 10, 2014
Settlement Agreement Between the United States of America and Hinds County, Mississippi Regarding the Hinds County Jail, in <i>United States of America v. Hinds County, et al.</i> , United States District Court, Southern District of Mississippi, Northern Division, Case No. 3:16cv489 WHB-JCG, filed July 19, 2016
Consent Judgment in <i>Jones, et al. v. Gusman</i> , United States District Court, Eastern District of Louisiana, Civil Action No. 2:12-cv-00859-LMA-ALC, filed June 6, 2013
Weill and Haney, <i>Mechanisms of Moral Disengagement and Prisoner Abuse</i> , Analyses of Social Issues and Public Policy, Vol. 17, No., 2017, pp. 286-318
Steve J. Martin, <i>Staff Use of Force in United States Confinement Settings</i> , 22 Wash. U. J.L. & Pol’y 145 (2006)
Jane Kahn, <i>Safety Concerns of a Prisoner Rights Lawyer</i> , Los Angeles Daily Journal, February 4, 2011
Excerpt from Venters, <i>Life and Death in Rikers Island</i> (2019)
<i>Evaluating the Effectiveness of Residential Treatment for Prisoners With Mental Illness</i> , Lovell, D., et al., Criminal Justice and Behavior, Vol. 28, No. 1, February 2001

EXHIBIT 1

**COMPLETE LIST OF DOCUMENTS REVIEWED
BY ELDON VAIL IN PREPARATION OF DECLARATION**

Callous and Cruel, Use of Force Against Inmates with Mental Disabilities in US Jails and Prisons, Human Rights Watch, 2015

EXHIBIT 1**COMPLETE LIST OF DOCUMENTS REVIEWED
BY ELDON VAIL IN PREPARATION OF DECLARATION****DOCUMENTS PROVIDED BY RBGG FEBRUARY 28, 2020 – JULY 27, 2020**

Signed Confidential Declarations from *Armstrong* and *Coleman* class members regarding staff misconduct at California State Prison – Lancaster (LAC) as follows [Last Name, CDCR Number, date signed]:

- [REDACTED] April 27, 2020
- [REDACTED] April 23, 2020
- [REDACTED] April 30, 2020
- [REDACTED] April 20, 2020
- [REDACTED] April 22, 2020
- [REDACTED] April 20, 2020
- [REDACTED] April 20, 2020
- [REDACTED] May 1, 2020
- [REDACTED] April 21, 2020
- [REDACTED] April 24, 2020
- [REDACTED] April 22, 2020
- [REDACTED] April 20, 2020
- [REDACTED] May 11, 2020
- [REDACTED] April 21, 2020
- [REDACTED] May 8, 2020
- [REDACTED] April 21, 2020
- [REDACTED] May 11, 2020
- [REDACTED] April 22, 2020
- [REDACTED] April 23, 2020
- [REDACTED] May 14, 2020
- [REDACTED] May 15, 2020
- [REDACTED] May 14, 2020
- [REDACTED] April 24, 2020
- [REDACTED] May 18, 2020
- [REDACTED] May 20, 2020
- [REDACTED] May 20, 2020
- [REDACTED] May 19, 2020
- [REDACTED] May 28, 2020
- [REDACTED] May 29, 2020

Signed Supplemental Confidential Declarations from *Armstrong* and *Coleman* class members regarding staff misconduct at RJD as follows [Last Name, CDCR Number, date signed]:

EXHIBIT 1**COMPLETE LIST OF DOCUMENTS REVIEWED
BY ELDON VAIL IN PREPARATION OF DECLARATION**

• [REDACTED] 05-13-2020 • [REDACTED] May 13, 2020 • [REDACTED] May 11, 2020 • [REDACTED] May 13, 2020 • [REDACTED] May 19, 2020 • [REDACTED] May 19, 2020 • [REDACTED] May 19, 2020 • [REDACTED] May 19, 2020 • [REDACTED] April 6, 2020 • [REDACTED] April 6, 2020 • [REDACTED] April 6, 2020 • [REDACTED] May 20, 2020 • [REDACTED] May 20, 2020 • [REDACTED] May 20, 2020 • [REDACTED] 2nd Supplemental, May 21, 2020 • [REDACTED] May 22, 2020 • [REDACTED] May 19, 2020 • [REDACTED] May 29, 2020 • [REDACTED] May 26, 2020
Signed Confidential Declarations from <i>Armstrong</i> and <i>Coleman</i> class members regarding staff misconduct at prisons other than RJD or LAC as follows [Last Name, CDCR Number, prison, date signed]: • [REDACTED] (CCI), May 21, 2020 • [REDACTED] (CCI), May 21, 2020 • [REDACTED] (CCI), May 22, 2020 • [REDACTED] (CCI), May 15, 2020 • [REDACTED] (SATF), May 19, 2020 • [REDACTED] (COR), May 15, 2020 • [REDACTED] (COR), May 18, 2020 • [REDACTED] (KVSP), May 29, 2020 • [REDACTED] (KVSP), May 29, 2020 • [REDACTED] (KVSP), May 21, 2020
Declaration of Melissa Turner, LCSW at RJD, signed April 20, 2020
Disciplinary Documents re Officer Rucker: • [REDACTED] - NOAA (S-RJD-261-16-A) • [REDACTED] - 402 (S-RJD-261-16-A)

EXHIBIT 1**COMPLETE LIST OF DOCUMENTS REVIEWED
BY ELDON VAIL IN PREPARATION OF DECLARATION**

• [REDACTED] - 403 (S-RJD-261-16-A)
Documents reviewed in connection with TRO: • Declaration of [REDACTED] signed June 30, 2020 • Third Supp Declaration of [REDACTED] signed June 25, 2020 • Supplemental Declaration of [REDACTED] signed June 25, 2020 • Second Supplemental Declaration of [REDACTED] signed July 3, 2020 • Rules Violation Report re [REDACTED] dated 06/23/2020
Video of July 17, 2020 Interview of class member [REDACTED] by AW [REDACTED] at [REDACTED] file name "GH017616"
Documents and video relating to January 21, 2019 incident of staff misconduct at RJD involving class member [REDACTED] • Surveillance video of January 21, 2019 incident, attached as Exhibits 89 and 90 to the Declaration of Michael Freedman in Support of Plaintiffs' Motion to Stop Defendants from Abusing, Assaulting and Retaliating against People with Disabilities at RJD, filed February 28, 2020 • DOJ00057659 – 00057663 (OIA Report) • DOJ00077596 – 00077695 (Exhs 1-15 to OIA Report) • DOJ00077698 – 00077785 (Exhs 16-24 to OIA report) • Exhibit 11 to Deposition of CDCR PMK Tricia Ramos • DOJ00077786 - 00077787 (Memo to OIA) • DOJ00077575 – 00077592 (OIA Investigation Report) • DOJ00051777 – 00051821 (989 Packet) • DOJ00077170 – 00077271 (989 Packet and Acceptance) • DOJ00077788 – 00077794 (Supplemental Report)
Officer disciplinary documents relating to incident of staff misconduct at RJD involving class member [REDACTED] • Disciplinary documents re Officer [REDACTED] ○ DOJ00076238 – 00076239 (402) ○ DOJ00076240 (403) ○ DOJ00076883 – 00076884 (ATO) ○ DOJ00076885 – 00076886 (Closure Memo) ○ DOJ00076879 (Dismissal Notice) ○ DOJ00076887 – 00077138 (NOAA)

EXHIBIT 1

COMPLETE LIST OF DOCUMENTS REVIEWED BY ELDON VAIL IN PREPARATION OF DECLARATION

- DOJ00077164 – 00077165 (Skelly)
- DOJ00077169 (SPB)
- Disciplinary documents re Officer [REDACTED]
 - DOJ00076241 – 00076242 (402)
 - DOJ00076243 (403)
 - DOJ00077558 – 00077559 (ATO)
 - DOJ00077281 – 00077282 (Closure Memo)
 - DOJ00077276 (Dismissal Notice)
 - DOJ00077283 – 00077533 (NOAA)
 - DOJ00077560 – 00077561 (Skelly)
 - DOJ00077277 (SPB)
- Disciplinary documents re Officer [REDACTED]
 - DOJ00076244 – 00076245 (402)
 - DOJ00077801 (403)
 - DOJ00077802 – 00077803 (ATO)
 - DOJ00077804 – 00077805 (Closure Memo)
 - DOJ00077795 (Dismissal Notice)
 - DOJ00077806 – 00078056 (NOAA)
 - DOJ00077796 – 00077797 (Skelly)
 - DOJ00077798 (SPB)
- DOJ00077166 – 00077168 (Skelly Recommendations)

Documents and video relating to March 28, 2017 incident of staff misconduct at RJD involving class member [REDACTED]

- DOJ00018850 (surveillance video re incident involving class member [REDACTED])
- DOJ00018851 (surveillance video re incident involving class member [REDACTED])
- DOJ00048330 – 00048393 (989 packet)
- DOJ00072876 – 00072884 (OIA report)
- DOJ00072818 – 00072875 (Exhibits to OIA report)
- DOJ00074940 – 00074951 (Second Level Appeal Response)
- Officer disciplinary docs:
 - DOJ00090793 – 00090794 (402 and 403 re Officer [REDACTED])
 - DOJ00072817 – 00072818 (402 and 402 re Officer [REDACTED])
 - DOJ00091094 – 00091023 (NOAA re Officer [REDACTED])
 - DOJ00091032 – 00091033 (Skelly Recommendations re [REDACTED])
 - DOJ00091080 (withdrawal of [REDACTED] NOAA)

EXHIBIT 1**COMPLETE LIST OF DOCUMENTS REVIEWED
BY ELDON VAIL IN PREPARATION OF DECLARATION**

Documents relating to July 3, 2018 incident of staff misconduct at RJD involving class member [REDACTED]

- DOJ00110072 (surveillance video re incident involving class member [REDACTED])
- DOJ00108741 – 00108743 (402 and 403 re Officer [REDACTED])
- DOJ00108768 – 00108770 (OIA case acceptance re Officer [REDACTED])
- DOJ00108899 – 00108912 (OIA report)
- DOJ00108771 – 00108896 (Exs. to OIA report)
- DOJ00108754 – 00108751 ([REDACTED] Pre-settlement Statement)
- DOJ00108766 – 00108767 ([REDACTED] Skelly decision)
- DOJ00108913 – 00108915 ([REDACTED] Skelly recommendation)
- DOJ00108916 – 00108921 ([REDACTED] SPB approval of settlement)
- DOJ00108752 – 00108753 ([REDACTED] SPB discovery request)
- DOJ00108754 – 00108757 ([REDACTED] SPB Stipulation)

Documents and video relating to December 9, 2018 incident of staff misconduct at RJD involving class member [REDACTED]

- Surveillance video produced by Defendants, file name “[REDACTED] - Surveillance 1”
- DOJ00076256 – 00076341 (989 packet and CIB acceptance)
- DOJ00076342 – 00076427 (exhibits to 989 packet)
- DOJ00076860 – 00076878 (OIA report)
- DOJ00076621 -00076855 (exhibits to OIA report)
- Disciplinary records for officers involved in incident:
 - DOJ00090788 – 00090789 (402 & 403 re Officer [REDACTED])
 - DOJ00091180 – 00091390 (NOAA re [REDACTED])
 - DOJ00091391 ([REDACTED] Skelly)
 - DOJ00076254 – 00076255 (402 & 403 re Officer [REDACTED])
 - DOJ00076616 – 00076617 ([REDACTED] closure memo)
 - DOJ00076428 – 00076604 ([REDACTED] NOAA)
 - DOJ00090786 – 00090787 (402 & 403 re Officer [REDACTED])
 - DOJ00091593 – 00091603 ([REDACTED] NOAA)
 - DOJ00091606 ([REDACTED] Skelly)

Memos from RJD Master Allegation Tracking Log, produced by Defendants July 24, 2020

EXHIBIT 1**COMPLETE LIST OF DOCUMENTS REVIEWED
BY ELDON VAIL IN PREPARATION OF DECLARATION**

Plaintiffs' Motion to Stop Defendants from Abusing, Assaulting and Retaliating Against People With Disabilities, including supporting documents, filed February 28, 2020 at Docket 2922 – 2922-8, and unredacted versions of Freedman Declaration attached to Administrative Motion to Seal, filed February 27, 2020 at Docket 2921
Plaintiffs' Renewed Motion to Stop Defendants from Abusing, Assaulting and Retaliating Against People With Disabilities, including all supporting documents ("Statewide Motion"), filed June 3, 2020 at Docket 2948, including unredacted versions of Declarations of Michael Freedman, Thomas Nolan and Jeffrey Schwartz attached to Administrative Motion to File Under Seal, filed June 3, 2020 at Docket 2947
Unredacted Version of Plaintiffs' Motion for Temporary Restraining Order and supporting documents, attached to Administrative Motion to File Under Seal, filed July 1, 2020 at Docket Nos. 2969-5, 2969-7, and 2969-9
Temporary Restraining Order, issued July 2, 2020 at Docket 2972
Unredacted Version of Defendants' Response to Order to Show Cause Regarding Preliminary Injunction, attached to Administrative Motion to File Under Seal, filed on July 10, 2020 at Docket 2981
Unredacted Version of Declaration of Francisco Armenta in Response to Order [ECF NO. 2972] on Plaintiffs' Motion for TRO, with all Exhibits, attached to Administrative Motion to File Under Seal, filed on July 10, 2020 at Docket 2981
Defendants' Response to Plaintiffs' Motion re Complaints of Excessive Force & Retaliation at RJD_ Objections to Evidence, and all supporting documents, filed July 15, 2020 at Docket Nos. 3006-3006-6 and Docket 3007
Unredacted Versions of Declarations of Sean Lodholz and Ken McGinnis, filed under seal on July 15, 2020 at Docket Nos 3002, 3003 and 3004
Excerpts from Gov. Newsom's May 2020 Revised Budget
June 2020 OIG Complaint-Intake-and-Field-Inquiries-Report
June 2020 OIG Discipline-Monitoring-Report
OIG Report, "Monitoring the Use-of-Force Review Process of the California Department of Corrections and Rehabilitation", July 2020

EXHIBIT 1

COMPLETE LIST OF DOCUMENTS REVIEWED BY ELDON VAIL IN PREPARATION OF DECLARATION

Jamie Biggs, "NC jail implements body cameras for COs", The Courier Tribune, accessed July 23, 2020
Eric Kurhi, "Santa Clara Co: Body cams for jail guards, sheriff deputies", Bay Area News Group / The Mercury News, January 25, 2017
Lynh Bui, "Maryland county equips some detention officers with body cameras", The Washington Post, February 13, 2016
Beales and Marsh, Practice NZ Corrections Journal, vol. 4 issue 1, August 2016, <i>On body cameras in prison</i> , accessed 07-23-20
Home webpage for Axon Corrections, accessed July 23, 2020
Transcript of January 29, 2020 USDOJ BWCTTTA webinar, "Body-Worn Cameras in Correctional Settings" https://www.youtube.com/watch?v=IMXWGrRc0n4&feature=emb_title&t=0s , accessed 07/23/20
Webinar "Body-Worn+Cameras+in+Correctional+Settings", httpsyoutu.be/IMXWGrRc0n4 , accessed 072320.mp4

EXHIBIT 1

**COMPLETE LIST OF DOCUMENTS REVIEWED
BY ELDON VAIL IN PREPARATION OF DECLARATION**

DOCUMENTS PROVIDED BY RBGG JULY 28, 2020
THROUGH SEPTEMBER 23, 2020

Signed Supplemental Confidential Declarations from *Armstrong* and *Coleman* class members regarding staff misconduct at RJD as follows [Last Name, date signed]:

[REDACTED] [2nd Supplemental], July 3, 2020
[REDACTED] [3rd Supplemental], July 13, 2020
[REDACTED] July 23, 2020
[REDACTED] [4th Supp.], July 11, 2020
[REDACTED] [2nd Supp], July 10, 2020
[REDACTED] [2nd Supp], July 24, 2020
[REDACTED] (RJD), July 27, 2020
[REDACTED] (RJD), July 27, 2020
[REDACTED] (RJD), July 23, 2020
[REDACTED] [Supp.] (RJD), July 21, 2020
[REDACTED] [2nd Supp] (RJD), August 18, 2020
[REDACTED] [Supp.], July 13, 2020
[REDACTED] [Supp.] (RJD), September 1, 2020
[REDACTED] [Supp.] (RJD), September 10, 2020

Signed Confidential Declarations from *Armstrong* and *Coleman* class members regarding staff misconduct at prisons other than RJD as follows [Last Name, date signed]:

[REDACTED] (COR, LAC), August 14, 2020
[REDACTED] (LAC), July 21, 2020
[REDACTED] (CMF), September 2, 2020
[REDACTED] (COR), August 12, 2020
[REDACTED] (COR), September 2, 2020
[REDACTED] (COR), August 28, 2020
[REDACTED] (LAC), September 8, 2020
[REDACTED] (COR), June 26, 2020
[REDACTED] (KVSP), September 3, 2020
[REDACTED] (KVSP), August 28, 2020
[REDACTED] (COR), June 15, 2020
[REDACTED] (LAC), July 6, 2020
[REDACTED] (LAC), July 1, 2020
[REDACTED] (COR), August 28, 2020
[REDACTED] (LAC), August 26, 2020
[REDACTED] (LAC), July 31, 2020

EXHIBIT 1**COMPLETE LIST OF DOCUMENTS REVIEWED
BY ELDON VAIL IN PREPARATION OF DECLARATION**

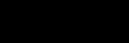
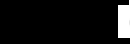
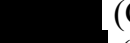
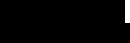
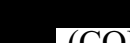
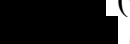
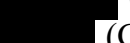
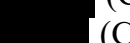
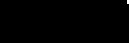
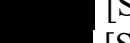
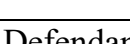
 (CMF), May 19, 2020  (LAC), September 4, 2020  (COR), September 3, 2020  (KVSP), June 17, 2020  (COR), September 18, 2020  (SAC), September 21, 2020  (COR), June 19, 2020  (COR), August 6, 2020  (COR), July 2, 2020  (COR), June 15, 2020  (CIW), September 22, 2020  (KVSP), August 24, 2020  (COR), June 8, 2020  (CTF), September 3, 2020  (COR), June 24, 2020  (COR), July 31, 2020  (SATF), August 14, 2020  (COR), June 29, 2020  (MCSP), September 3, 2020  (LAC), September 1, 2020  (KVSP), August 24, 2020  (SAC, KVSP, LAC), August 6, 2020  (MCSP), September 17, 2020  (CIW), September 17, 2020  (CIW), September 21, 2020  [Supp.] (LAC), July 22, 2020  [Supp.] (LAC), August 18, 2020	
Defendants' Opposition to Plaintiffs Statewide Motion filed September 11, 2020, including supporting documents and declarations filed under seal, Docket Nos. 3077, 3078, 3079, 3080, 3081, 3082, and 3083	
Plaintiffs' Reply to RJD Motion, filed July 19, 2020, Docket 3024, including unredacted version of Declaration of Gay Grunfeld filed under seal	
Pltffs' Reply re Defs Response to New Material in Plntffs' Reply in Support of RJD Motion, Request to Rescind RVRs, including unredacted version of Decl of Gay Grunfeld filed under seal, Docket 3052, filed 8-26-2020 Email string between counsel for Defs and Pltfs re: RE: Armstrong v. Newsom: RJD Orders and Other Outstanding Issues, dated September 10, 2020	

EXHIBIT 1**COMPLETE LIST OF DOCUMENTS REVIEWED
BY ELDON VAIL IN PREPARATION OF DECLARATION**

Plaintiffs' Discovery to Defendants and Defendants Responses: Pltf Armstrong Special Interrogatories to Defs re LAC, Set 2, 08-06-2020 Pltf Abrams Special Interrogatories to Defs re COR, Set 1, 08-06-2020 Pltf Badillo Special Interrogatories to Defs re KVSP, Set 1, 08-06-2020 Pltf Beck Special Interrogatories to Defs re CCI, Set 1, 08-06-2020 Defs Responses to Pltf Beck Special Interrogatories re CCI, Set 1, 09-08-2020 Defs Responses to Pltf Armstrong Special Interrogatories re LAC, Set 2, 09-08-2020 Defs Responses to Pltf Abrams Special Interrogatories re COR, Set 1, 09-08-2020 Defs Responses to Pltf Badillo Special Interrogatories re KVSP, Set 1, 09-08-2020
OIG Semi-Annual Report Volume 1, January-June 2016, dated September 2016 OIG Sentinel Case No. 20-03, dated June 15, 2020 OIG-Sentinel-Report-No.-20-04, 08-19-2020
CDCR letter to Verizon Business re Acknowledgement of Full Site Completion – California State Prison Los Angeles County – LAC Video Surveillance, with attachment Form 65 #4500308011, dated March 1, 2016
CDCR letter to Verizon Business re Acknowledgement of Full Site Completion – California State Prison Los Angeles County LAC VS D4 C1, with attachment Form 65 #4500308732
Correspondence and Documents related to Dismissal of [REDACTED] RVR: • Letter from Penny Godbold to Joanna Hood Re Request for Dismissal of [REDACTED] RVR, 07-17-2020 • Letter from Gay Grunfeld to Joanna Hood re Renewed Request for Dismissal of Mr. [REDACTED] RVR, 08-04-20 • Letter from Gay Grunfeld to Joanna Hood re Objections to Imposition of Mr. [REDACTED] RVRs, 08-14-2020 • Email string between counsel for Defs and Pltfs re Dismissal of [REDACTED] RVRs, dated 09-08-2020
RBGG May 2019 LAC AMT Report, dated July 16, 2019 December 2018 LAC AMT Report - Staff Misconduct Section, sent March 2019 November 2019 LAC AMT Report - Staff Misconduct Section, Sent February 2020

EXHIBIT 1

COMPLETE LIST OF DOCUMENTS REVIEWED BY ELDON VAIL IN PREPARATION OF DECLARATION

Letter from Nolan to OLA re Coleman Plaintiffs Renewed Concerns Re Excessive UOF and Staff Misconduct at LAC, 04-10-2019
OLA Letter to Nolan in Response to 4-10-2019 Letter, dated 1-15-2020

Documents relating to [REDACTED] [REDACTED] [REDACTED]

Declaration of [REDACTED] (CCI), 05-22-20
CDCR EHRS system records including: 7-2-2019 Form 7410, nursing notes dated February 18 and 19, 2020, 4-6-2020 7362, 4-9-2020 MHMD note
IRT 2495 3013-2 and 7219
RVR IM Notifications signed 3-2-2020 and 3-5-2020
Incident Report Package, Log No. 2495
ASU Placement Notice
Disciplinary Hearing Results re 2-18-2020 incident, Log Number: 000000006968563
RVR 120 Screen re 2-18-2020, Log Number: 000000006968563
RVR re 2-18-2020, Log Number: 000000006968563
Staff Complaint Response – Appeal CCI-0-20-01379 Second Level Response, 6-11-2020
Page of 2140 Internal Affairs Allegation Log re [REDACTED]

Documents relating to [REDACTED] [REDACTED] [REDACTED]

Declaration of [REDACTED] (COR), 05-18-20

CDCR EHRS system records including: 4-7-2020 Offsite Hospital Return Note, 4-7-2020 CT scan reports, 4-7-2020 TTA note, 4-10-2020 Mental Health Assessment, 4-10-2020 MHPC notes, 4-13-2020 Form 7362

Documents produced by Defs:

Video files “4-17-20 [REDACTED] K82991 Log # 2140-20-138 PT.1” and “4-17-20 [REDACTED] K82991 Log # 2140-20-138 PT.2”

Excerpt from COR log re appeals beginning with 2140

CDCR Advisement of Rights – Attachment F – Appeal Inquiry re CSPC-2-20-02089, 5-11-2020

CDCR Second Level Appeal Response re Staff Complaint – Attachment E - Appeal # CSPC-2-20-02089, 5-11-2020

Confidential Supplement to Appeal – Attachment C – Log Nos CSPC-2-20-02089/COR-2140-20-138, 5-11-2020

CDCR 602 re Log No. 20-2089, 4-16-2020

Effective Communication for 602 Appeal 2-20-02089, - Attachment A

IERC Executive Review Critique and Qualitative Evaluation - Incident Log 05119

EXHIBIT 1

**COMPLETE LIST OF DOCUMENTS REVIEWED
BY ELDON VAIL IN PREPARATION OF DECLARATION**

IERC UOF Review and Further Action Recommendation - Incident Log 05119
Incident Commanders Review-Critique 0 Incident Log 05119
Incident Report Package - Incident Log 05119
Inmate Interview for Allegation Worksheet - CDCR 3013, 4-20-2020
Institutional Executive Committee Allegation Review - Incident Log 05119
Managers Review - Second Level - Incident Log 05119
Managers Review First Level - Incident Log 05119
Medical Report of Injury or Unusual Occurrence - CDCR 7219, 4-7-2020
Notice of Interview re: Complaint Against Staff – Attachment D – Log CSPC-2-20-02089
CDCR 3014 Report of Findings – Inmate Interview, INC. 5119, Log 2140-20-138
CDCR 1858 Rights and Responsibilities, 5-8-2020
RVR, Log No. 6987301

Documents relating to [REDACTED] [REDACTED] [REDACTED]

Declaration of [REDACTED] [REDACTED] ([REDACTED]) 05-29-20

KVSP Log No. 19-03685 Staff Complaint Appeal SECOND LEVEL RESPONSE, dated 12-23-2019
08-27-19 RVR Log No. 6896264 and RVR MHA Docs
Letter from [REDACTED] [REDACTED] to Rosen Bien Galvan and Grunfeld dated January 1, 2020
KVSP letter to [REDACTED] [REDACTED] dated October 31, 2019 in response to letter from OIAre Log No. KVSP-O-19-03685 with attachments
CDCR EHRS system records including SRASHE, 09-17-19
[REDACTED] [REDACTED] ([REDACTED]) Outside Hospital Records, 09-17-19

Documents produced by Defendants:

Letter from KVSP to [REDACTED] [REDACTED] 5-8-2019
8.27.2020 RVR 000000006896264
9.16.2020 RVR 000000006905828
CDCR 837-A Log No. KVSP-FCY-19-08-0811
CDCR 837-A Log No. KVSP-FCY-19-09-0868
CDCR Second Level Appeal Response re Staff Complaint – KVPS-0-19-03519, 10-23-2019
Log No. KVPS-0-19-03519, Confidential Appeal Supplement – Attach C
Log No. KVPS-0-19-03519, Third Level Appeal Decision, 2-21-2020
Log No. KVPS-0-19-03519, Inmate Appeal Route Slip
CDCR Second Level Appeal Response re Staff Complaint – KVPS-0-19-03685, 12-23-2019
Log No. KVSP-0-19-03685, Confidential Appeal Supplement – Attach C

EXHIBIT 1

COMPLETE LIST OF DOCUMENTS REVIEWED BY ELDON VAIL IN PREPARATION OF DECLARATION

Log No. KVSP-0-19-03685, 602 Appeal KVSP letter to [REDACTED] in response re OIA re Log KVSP-0-19-03685, 10-31-2019 KVSP letter to [REDACTED] re Log KVSP-0-19-03685, 1-21-2020 3013,3014 re (602. 19-003519 and 837. 19-811) 3013,3014 re (602. 19-003685 and 837. 19-0868) Video files re (602. 19-003519 and 837. 19-811) and (602. 19-00368 and 837. 19-0868)
Documents re [REDACTED] [REDACTED] [REDACTED] Declaration of [REDACTED] (CCI), 05-18-20 RBGG Advocacy Ltr re [REDACTED] [REDACTED] [REDACTED] CCI, 11-5-19 Def's Response to Advocacy Ltr, 1-14-2020 CDCR 602, Log No. KVSP- 19-3653, dated 12-11-19 Documents produced by Defendants: CCI Appeals Listing CCI B6 Search Log for [REDACTED] B6 Search Log and Receipts RVR Log No. 6958907 Counseling Chrono CDCR Memorandum re Allegations of Staff Misconduct – [REDACTED] [REDACTED] 4-30-2020 CDCR Memorandum re Addendum to Memorandum dated April 30, 2020- [REDACTED] [REDACTED] 6-26-2020
Documents re [REDACTED] [REDACTED] [REDACTED] Declaration of [REDACTED] (KVSP), 05-21-20 CDC Form 695 re Log No. KVSP-O-19-00355, 1-28-2019 CDCR EHRS system records including: 7-9-19 7362, nurse response to 7362, 3-2-20 1845, 8-27-29 outside hospital records, 8-27-19 7219 notes Documents produced by Defendants: Log No. KVSP-O-19-00444, Confidential Appeal Supplement – Attach C 8.28.2019 RVR 000000006896688 Log No. KVSP-O-19-00444, Inmate Appeal Route Slip Log No. KVSP-O-20-00661, Confidential Appeal Supplement – Attach C Log No. KVSP-O-20-00661, Second Level Response Log No. KVSP-O-20-00661, Inmate Appeal Route Slip

EXHIBIT 1**COMPLETE LIST OF DOCUMENTS REVIEWED
BY ELDON VAIL IN PREPARATION OF DECLARATION**

Inc. Log No. KVSP -FCY-19-08-0812, CDCR 837 3013,3014 re (602. 19-00444) 3013,3014 re (602. 19-02775) 3013,3014 re (602. 20-00661 and 837. 19-0812) 3 Videos, re Log No.s 19-00444, 19-02775, and 20-00661/Inc. Log 19-0812
Documents re [REDACTED] [REDACTED] [REDACTED] Declaration of [REDACTED] (CCI), 05-21-20 CDCR EHRS system records including: 3-6-19 7362, 3-13-19 SRASHE, 3-22-20 XR Medical Note, 3-13-19 MHPC Intake Assessment, 3-6-19 SRASHE, 3-22-19 Outpatient Progress Note, 3-21-19 Medical Note Documents produced by Defendants: CDCR 3024 re AR 19-20 / CCI-0-19-00899 Second Level Staff Complaint Appeal Response, # CCI-0-19-00899, 4-16-2019 Determination of Staff Complaint re CCI-0-19-00899, 3-26-2019 Video re Allegation CCI-CSO-19-03-14-01-001 MP4
Documents re [REDACTED] [REDACTED] [REDACTED] Declaration of [REDACTED] ([REDACTED]) 05-21-20 CDCR EHRS system records including: 2-6-20 Outpatient Progress Note, 12-23-19 TTA evaluation, 12-23-19 7262, 2-14-20 7362 Nursing, 1-24-20 DME Supply Recei 1-16-20 Nursing Face to Face, 1-31-20 X-ray, 1-3-20 X-ray, 4-23-20 MH Master Health Treatment Plan, 2-24-20 MH Assessment Docs produced by Defs: CDCR 3034 re AR 20-15 / CCI-FAB-19-12-0650 / CCI – 0-20-710 CDCR 3013, 3014 re 12-23-2019 incident CDCR Second Level Appeal Response, Log No. CCI-0-20-00747 CDCR 837 re Log No. CCI-FAB-19-12-0650 Two MP4s re Allegation CCI-FAB-19-12-0650 CDCR Memo re PREA CCI-PREA-20-03-009, 3-23-2020 CDCR Memo re Allegations of Unnecessary/Excessive Force – [REDACTED] [REDACTED] 6-30-2020 Excel Spreadsheet “INST MONTH 2020 YTR”
Docs re [REDACTED] [REDACTED] [REDACTED]

EXHIBIT 1

**COMPLETE LIST OF DOCUMENTS REVIEWED
BY ELDON VAIL IN PREPARATION OF DECLARATION**

Declaration of [REDACTED] (SATF), 05-19-20

PLO Armstrong Advocacy Ltr re [REDACTED] 05-21-19

PLO Armstrong Advocacy Letter -- [REDACTED] 01-23-18

PLO SATF Mobility Tour Report (Oct. 2019 - Feb. 2020)

CDCR EHRS system records including: 4-5-20 MH Consult, 4-4-20 Psych Tech Progress Note, 4-6-20 MHPC Inpatient Progress Note, 4-13-20 MHA, 4-4-20 Outside Hospital Records, 4-13-20 MHA, 4-5-20 SRASHE, 4-11-20 MHPC Consult, 4-13-20 RVR MHA for 4-4 RVR, 4-4-20 First Medical Responder

Documents produced by Defendants:

Log No. SATF-S-20-2087, Appeal Inquiry package

Log No. SATF-S-20-2087, CDCR Second Level Appeal Response – Staff Complaint, 5-27-2020

INC #04982 – Incident Package

RVR 06986429

RVR 06986431

Documents re [REDACTED]

Declaration of [REDACTED] (COR), 05-15-20

CDCR EHRS system records including: 12-20-2019 Outside Medical Records, 9-5-2019 Outside Medical Records, 9-3-2019 1307 Progress Note, 9-2-2019 1714 TTA Progress Note, 3-5-2020 RVR MHA, MHPC Progress Note

Documents produced by Defs:

COR Log showing entries for 2140

CDCR Advisement of Rights – Attachment F – Appeal Inquiry re CSPC-2-20-02089, 5-11-2020

CDCR Second Level Appeal Response re Staff Complaint – Attachment E - Appeal # CSPC-7-20-01224, 4-28-2020

Confidential Supplement to Appeal – Attachment C – Log Nos CSPC 7-20-01224/COR-2140-20-134, 4-28-2020

Effective Communication for 602 Appeal 7-20-01224, - Attachment A

Medical Report of Injury or Unusual Occurrence - CDCR 7219, 4-22-2020

Appeal CSPC-7-20-01224 - Memorandum - Use of Force Interview, 4-22-2020

Appeal CSPC-7-20-01224 - PREA Allegation Closure Memorandum

Form 602 Appeal CSPC-7-20-01224

EXHIBIT 1

**COMPLETE LIST OF DOCUMENTS REVIEWED
BY ELDON VAIL IN PREPARATION OF DECLARATION**

Appeal CSPC-7-20-01244 - COR-03C-19-09-0966 - Inmate Interview for Allegion Worksheet - CDCR 3013
 Appeal CSPC-7-20-01244 - COR 03-C-19-09-0966 - Notice of Interviews and Advisement of Rights
 Appeal CSPC-7-20-01244 - Report of Findings - Inmate Interview - CDCR 3014
 2140 Log No. COR-03C-19-09-0968 – Confidential Supplement - Attach C, 10-31-2019
 Log No. COR-03C-19-09-0968 - IERC Allegation Review - CDCR 3034
 Log No. COR-03C-19-09-0968 - IERC Critique and Qualitative Evaluation - CDCR 3036
 Log No. COR-03C-19-09-0968 - IERC UOF Review and Further Recommendation - CDCR 3035
 Log No. COR-03C-19-09-0968 - Incident Report
 Log No. COR-03C-19-09-0968 - Inmate Interview for GBI and SBI Worksheet - CDCR 3013
 Medical Report of Injury - CDCR 7219, 10-25-2019
 Log No. COR-03C-19-09-0968 / COR-2140-19-520 - Notice of Interviews and Advisement of Rights, 11-6-2019
 Log No. COR-03C-19-09-0968 - Report of Findings - Inmate Interview - CDCR 3014
 Video files labeled “MVI_0789-[REDACTED]” and “MOV179-[REDACTED]”
 RVR 6899437 part 1
 RVR 6899437 photos
 RVR 6899437
 RVR 6899540 and 6899437 - Notice of Exceptional Circumstances

Documents re [REDACTED] [REDACTED] [REDACTED]

Decl and Suppl. Declaration of [REDACTED] (KVSP), 05-29-20
 CDCR 837-A for Log No. LAC-D05-17-06-0436
 CDCR 602-A for Log No. 17-02990, stamped 6-21-2017

Email from Thomas Nolan to Defs re: Coleman/Armstrong -- Request to Expedite Movement of Coleman Class Member at ICF Level of Care at KVSP Who is Experiencing Ongoing Retaliation for Working With Class Counsel In Coleman and Armstrong, dated May 29, 2020
 Defs Non Class Action Closure Letter [REDACTED] [REDACTED] LAC, 07-03-20

Documents produced by Defs:
 DOJ-LAC00017754 – 17759
 DOJ-LAC00017734 – 17740

EXHIBIT 1**COMPLETE LIST OF DOCUMENTS REVIEWED
BY ELDON VAIL IN PREPARATION OF DECLARATION**

DOJ-LAC00017634 – 17731

DOJ-LAC00017742 - 17751

Allegation inquiry MP3 dated March 10, 2020

Allegation inquiry MP3 dated March 11, 2020

Allegation inquiry MP3 dated March 18, 2020

[REDACTED] UOF MP4

2140 log

CDCR email dated 6-2-2020 re [REDACTED] PREA Allegation with attachments

CDCR 128-MH5, 6-3-2020

CDCR Investigate and Advise Referral Memorandum, 6-3-2020

KVSP-PREA-20-06-027 Notifacation and initial report

People v [REDACTED] Felony Complaint, LA Co. Superior Court no. MA073291

CDCR EHRS system records including: 3-15-2018 1845-7410, 7-1-2017 7219, 6-23-2017 7362, 11-24-2017 7362, 8-9-2017 ACUTE ICF referral, 7-5-2017, MH consultation, 7-3-2017 MH consultation, 5-22-2020 MHPC Progress Note, 3-18-2020 Orthopedic consultation, 7-1-2027 Outside Hospital Records, 5-22-2020 Med Tx Refusal, 7-2017 TTA Progress Note, 7-2-2017 TTA Progress Note, 7-1-2017 TTA Services Flowchart

Documents re [REDACTED] [REDACTED] [REDACTED]

Declaration of [REDACTED] (LAC), 05-28-2020

Email with OLA Non Class Action Closure Letter re [REDACTED] [REDACTED] [REDACTED] dated July 3, 2020

DOJ-LAC00017829 – 17835

DOJ-LAC00017760 – 17827

[REDACTED] UOF MP4, dated 12-21-2018

CDCR EHRS system records including: 11-27-2018 MH Consult, 12-9-2018 7362, 12-27-2018 1845-7410, 12-21-2018 7219 Eval, 12-1-2018 ASU Pre-placement, 12-24-2018 PCP Evaluation, 12-1-2018 First Medical Responder Note, 12-1-2018 Nursing Progress Note, 11-26-2018 LAC Initial Health Screening, 12-4-2018 TTA Note

Documents re [REDACTED] [REDACTED] [REDACTED]

EXHIBIT 1

**COMPLETE LIST OF DOCUMENTS REVIEWED
BY ELDON VAIL IN PREPARATION OF DECLARATION**

Declaration of [REDACTED] (LAC), 04-22-20 Letter from Tom Nolan to OLA re: [REDACTED] [REDACTED] ([REDACTED] LAC UOF Incident, dated 01-17-20 D0J-LAC00017891 – 17895 D0J-LAC00017835 – 17890 D0J-LAC00017897 – 17904 D0J-LAC00017905 – MP3 Audio file – 05-05-2020 interview [REDACTED] UOF MP4 CDCR EHRS system records including: 11-13-2019 X-rays, 11-12-2019 SOAPE, 11-13-2019 Nursing Face-to-Face, 11-22-2019 MHMD Initial Assessment, 11-19-2019 MHM Discharge Summary, 11-13-2019 MHCB Admission Note, 11-12-2019 7362
Documents re [REDACTED] [REDACTED] [REDACTED] Declaration of [REDACTED] (LAC), 05-15-20 OLA-TN, Non Class Action Closure Letter re [REDACTED] [REDACTED] 07-22-2020 Docs produced by Defs: D0J-LAC00017922 – 17934 D0J-LAC00017935 - 17938 D0J-LAC00017939 – 17945 D0J-LAC00017946 – 17950 D0J-LAC00017906 – 17921 D0J-LAC00017952 – 17959 [REDACTED] audio file CDCR EHRS system records including: 8-27-2018 Offsite Hospital Return, 9-20-2018 Office Visit Note, 9-4-2018 MHPC Note, 9-14-2018 MH RVR Assessment, 8-25-2018 First Medical Responder, 8-27-2018 CT Report, 8-23-2018 ASU Preplacement Not, 8-25-2018 Nursing, 8-26-2018 7362 Nursing, 9-2-2018 7362 Nursing, 9-1-2018 Mental Health, 8-24-2018 7362, 10-10-2018 1845/7410
Documents re [REDACTED] [REDACTED] [REDACTED] Declaration of [REDACTED] (LAC), 04-24-20

EXHIBIT 1**COMPLETE LIST OF DOCUMENTS REVIEWED
BY ELDON VAIL IN PREPARATION OF DECLARATION**

Docs produced by Defs:

D0J-LA000017960 – 17963

D0J-LA000017964 - 18033

D0J-LAC00018034 – 18039

D0J-LAC00018041- 18046

██████ UOF MP4

CDCR EHRS system records including: 4-13-2020 DME Supply Receipt, 1-19-2020 First Medical Responder Note, 4-11-2020 First Medical Responder Note, 1-22-2020 Telemed Follow Up Note, 1-19-2020 Mary 3 Note, 4-12-2020 MH Consult Inpatient, 4-12-2020 Offsite Hospital Records, 1-20-2020 Offsite Hospital Return, 4-12-2020 Offsite Hospital Return, 1-20-2020 Outside Hospital Records, 4-12-2020 SRASHE, 1-19-2020 TTA Note, 4-11-2020 TTA Progress Note, 1-19-2020 UOF Progress Note, 4-7-2020 Wound Care Consultation

██████ 01-08-20 Outside Hospital Record

Documents re ██████ ██████ ██████

Declaration of ██████ (LAC), 04-22-20

Docs produced by Defs:

D0J-LAC00018422 – 18437

D0J-LAC00018391 – 18409

D0J-LAC00018410 – 18421

D0J-LAC00018387 – 18390

D0J-LAC00018379 – 18386

D0J-LAC00018355 – 18378

Documents re ██████ ██████ ██████

Declaration of ██████ (LAC), 05-20-20

Docs produced by Defs:

D0J-LAC00019224 – 19325

D0J-LAC00019326 – 19410

D0J-LAC00019411 – 19439

EXHIBIT 1

**COMPLETE LIST OF DOCUMENTS REVIEWED
BY ELDON VAIL IN PREPARATION OF DECLARATION**

CDCR EHRS system records including: 3-21-2020 First Medical Responder Note, 4-2-2020 First Medical Responder Note, 3-22-2020 Gastroenterology Consult, 4-8-2020 MH RVR Assessment, 4-22-2020 MHPC Note, 3-17-2020 Nursing Discharge, 3-21-2020 On Call, 3-24-2020 Outside Hospital Records, 3-25-2020 Outside Hospital Records, 4-2-2020 Progress Note, 4-2-2020 Progress Note, Mary 3, 3-21-2020 Progress Note – Nursing, 3-30-2020 Pulmonology Consultation, 4-2-2020 RVR Evaluation, 3-21-2020 SOAPE, 3-18-2020 SOAPE, 4-2-2020 TTA, 4-2-2020 X-ray reports

Documents re [REDACTED] [REDACTED] [REDACTED]

Declaration of [REDACTED] (LAC), 05-11-20

USDC- CD, Case No. 19-cv-00169 VAP KK:
Complaint filed 1-8-2019
First Amended Complaint filed 4-1-2019
Stm of Undisputed Facts in Support of Defs MSJ

Docs produced by Defs:
DOJ-LAC00019441 - 19508
DOJ-LAC00019509 – 19516
[REDACTED] Audio file – April 9, 2019

CDCR EHRS system records including: 7-27-2018 1845/7410, 7-29-2018 2 7362s, 7-30-2018 7362, 7-28-2018 Hospital Return TTA Progress Note, 7-25-2018 Message from Psych Tech, 7-25-2018 Mary 3 Progress Note, 7-31-2018 MH RVR Assessment, 11-14-2018 MHPC Note, 9-20-2018 MHPC Note, 7-26-2018 Neurosurgery Consultation, 7-27-2018 Outside Hospital Records, 7-25-2018 SOAPE, 7-25-2018 TTA Visit Note

Documents re [REDACTED] [REDACTED] [REDACTED]

Declaration of [REDACTED] (LAC), 04-21-20
Suppl. Declaration of [REDACTED] (LAC), 07-22-2020
CDCR 837-Cs, Incident No. LAC-CPG-19-11-1027
Letter from Nolan to OLA Ltr re [REDACTED] [REDACTED] ([REDACTED] LAC UOF Incident, 03-27-20
OLA Non Class Action Closure Letter re [REDACTED] [REDACTED] 07-08-2020

Docs produced by Defs:
DOJ-LAC00019602 – 19669
DOJ-LAC00019670 – 19678
[REDACTED] MP3

EXHIBIT 1**COMPLETE LIST OF DOCUMENTS REVIEWED
BY ELDON VAIL IN PREPARATION OF DECLARATION**

CDCR EHRS system records including: 12-13-2019 1845/7410, 11-20-2018 7219 Eval, 11-20-2019 7219 Med Eval, 3-1-2020 7362, 11-20-2019 MH Crisis Intervention Note, 11-27-2019, RVR Mental Health Assessment, 11-21-2019 7219, 7-9-2020 7362, 7-7-2020 Dental Vital Signs Note, 7-21-2020 MH RVR Assessment, 7-20-2020 MH no show, 7-7-2020 Progress Note, Psych Tech, 7-16-2020 SRASHE, 7-15-2020 X-Ray report

Documents re [REDACTED] [REDACTED] [REDACTED]

Declaration of [REDACTED] [REDACTED] re LAC Staff Misconduct, 04-24-2020
OLA Non-Class Action Closure Letter [REDACTED] [REDACTED] 6-8-2020

Docs produced by Defs:

D0J-LAC00019680 - 19717

D0J-LAC00019718 – 19727

[REDACTED] UOF video file

RN interview re [REDACTED] audio file

CDCR EHRS system records including: 5-29-2018 Nursing Face-to-Face, 7-2-2020 MH Note

CDCR EHRS Record re [REDACTED] [REDACTED] [REDACTED] 12-3-2019 SOAPE

Documents re [REDACTED] [REDACTED] [REDACTED]

Declaration of [REDACTED] (LAC) 05-29-20

Advocacy Letter re [REDACTED] [REDACTED] [REDACTED] DPM, LAC, 08-13-19

Defs Resp to Adv Ltr re [REDACTED] [REDACTED] 10-25-19

Nolan Follow-Up re Response to [REDACTED] Advocacy, 10-30-19

Nolan Ltr re [REDACTED] [REDACTED] LAC UOF Incident, 03-27-20

Docs produced by Defs:

D0J-LAC00017563 – 17713

D0J-LAC00017624 – 17632

Audio file, 6-11-2020 “[REDACTED]

EXHIBIT 1

**COMPLETE LIST OF DOCUMENTS REVIEWED
BY ELDON VAIL IN PREPARATION OF DECLARATION**

CDCR EHRS system records including: 6-21-2018 new arrival to STRH, 6-22-2018 7362, 8-10-2019 7362 Nursing, 8-11-2019 7362, 8-7-2019 ASU pre-placement note, 6-18-2018 Med Expiration, 8-14-2019 MHPC note, 7-3-2018 MHPC note, 8-8-2019 note re supplies, 7-1-2018 request for assistance filing 602, 6-1-2019 Telemedicine Officer Visit Note
Two videos, “[REDACTED] 1” and “[REDACTED] 2”, produced by Defendants
Warner Resume (6.26.2020)

EXHIBIT A

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT

PART C - STAFF REPORT

CDCR 837-C (Rev. 10/15)

PAGE 1 Of 2

INCIDENT LOG NUMBER
LAC-BYRD-18-12-1068

NAME: LAST [REDACTED]		FIRST [REDACTED]		MI D	DATE OF INCIDENT 12/1/2018	TIME OF INCIDENT 0758
POST # 2204223	POSITION B PROGRAM SGT	YEARS OF SERVICE 6YRS. 11MO.	DATE OF REPORT 12/1/2018		LOCATION OF INCIDENT FACILITY B SOUTH YARD	
RDO'S S/M	DUTY HOURS 0600-1400	DESCRIPTION OF CRIME / INCIDENT Resisting a peace officer resulting in the use of force			CCR SECTION / RULE 3005(d) 1 ☐ N/A	

YOUR ROLE	WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)	INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)
☐ Primary		
☒ Responder		
☐ Witness		
☐ Camera		
☐ Victim		
☐ Other:		

FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / NON-CONVENTIONAL FORCE								
Physical:	Lethal Weapons:	Warning:	Effect:	Less Lethal Weapons:	# Effect:	Chemical Agent:	Projector:	# Deployed:
☐ Hand-Held Baton	☐ Mini 14			☐ 37 mm		☐ OC		
☐ X-10 BRD w/o OC	☐ .38 Cal			☐ 40 mm		☐ CN		
☐ X-10 BRD w/ OC	☐ 40 Cal			☐ L8		☐ GS		
	☐ 9 mm			☐ 40 mm Multi				
	☐ Shotgun			☐ HPWRS				

☐ Non-Conventional or Force Not Listed Above:

FORCE OBSERVED BY YOU	☐ N/A ☒ Physical ☐ Hand-Held Baton ☐ Chemical Agent ☐ X-10 ☐ Less Lethal ☐ Lethal ☐ Non-Conventional							
EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION				EVIDENCE DISPOSITION		BIO HAZARD	PPE
☐ YES							☐ YES	☐ YES
☒ NO	☒ N/A				☒ N/A		☒ NO	☒ NO

REPORTING STAFF INJURED	DESCRIPTION OF INJURY	LOCATION TREATED (HOSPITAL/CLINIC)	FLUID EXPOSURE	SCIF 3301/3087 COMPLETED
☐ YES			☐ BODILY ☒ N/A	☐ YES
☒ NO	☒ N/A	☒ N/A	☐ UNKNOWN	☒ NO
			☐ Other:	

NARRATIVE: On Saturday, December 1, 2018, at approximately 0758 hours, the yard alarm was activated for a medical emergency of an inmate on the Facility B South Yard. I responded to the incident area and observed Inmate [REDACTED] FBB4-[REDACTED] laying on the ground conscious and complaining of back pain. Inmate [REDACTED] had just left Facility B medical after I had counseled him on refusing to leave the medical area due to wanting stronger medication for his pain. [REDACTED] stated he wanted to go to an outside medical facility due to his pain. Responding staff brought a wheel chair and [REDACTED] was able to stand up and sit in the chair under his own power. Medical staff that responded advised [REDACTED] that he was going back to his assigned housing and that they couldn't do anything more for his pain at the moment. [REDACTED] immediately threw himself out of the wheel chair and fell onto the ground. Responding staff attempted to place [REDACTED] in restraints when [REDACTED] began to resist by holding onto the center chain link fence and not allowing officers to place his hands into restraints and stating he wanted to go to AB Medical (Complex Clinic 1). Officers gave verbal orders to [REDACTED] to stop resisting and utilized physical force to attempt to affect custody and overcome the resistance of [REDACTED]. I was unable to observe in the moment which officers were utilizing force as I was focused on [REDACTED] hands clenching the fence. [REDACTED] finally complied to officers orders to

☒ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

SIGNATURE OF REPORTING STAFF [REDACTED]	TITLE SERGEANT	BADGE # / ID # 81705/2162309	DATE 12/1/2018
NAME AND TITLE OF REVIEWER (PRINT/SIGNATURE) [REDACTED]	DATE RECEIVED 12/1/2018	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO
			DATE 12/1/2018

STATE OF CALIFORNIA

CRIME / INCIDENT REPORT

DEPARTMENT OF CORRECTIONS AND REHABILITATION

PART C1 - SUPPLEMENT

C DCR 837-G1 (Rev. 10/15)

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INCIDENT LOG NUMBER

LAC-BYRD-18-12-1068

NAME: LAST

FIRST

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TYPE OF INFORMATION:

☒ CONTINUATION OF REPORT☐ CLARIFICATION OF REPORT☐ ADDITIONAL INFORMATION

NARRATIVE:

stop resisting and was able to stand to his feet and sit in the wheel chair. [REDACTED] was escorted off the facility in a wheel chair and subsequently escorted to the Correctional Treatment Center for further medical evaluation without incident.

☐ CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL CDCR 837-G1.

SIGNATURE OF REPORTING STAFF 	TITLE SERGEANT	BADGE # / ID # 81705/2162309	DATE 12/1/2018
NAME AND TITLE OF REVIEWER (PRINT/SIGNATURE) 	DATE RECEIVED 12/1/2018	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO DATE 12/1/2018

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT

PART C - STAFF REPORT

CDCR 837-C (REV. 10/15)

Page 1 of 2

INCIDENT LOG NUMBER

LAC-BYRD-18-12-1068

NAME: LAST [REDACTED]		FIRST [REDACTED]		M N	DATE OF 12/1/2018	TIME OF INCIDENT 0758 HRS.
POST # 221682	POSITION B4 FLOOR #1	YEARS OF SERVICE 4 YRS. 6 MO.	DATE OF REPORT 12/01/2018		LOCATION OF INCIDENT FACILITY "B" SOUTH YARD	
RDO'S M/T	DUTY HOURS 0600-1400	DESCRIPTION OF CRIME / INCIDENT RESISTING A PEACE OFFICER RESULTING IN THE USE OF FORCE			CCR SECTION / RULE ☐ N/A 3005 (d) (1)	

YOUR ROLE	WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)	INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESSES)
☐ Primary ☒ Responder ☐ Witness ☐ Camera ☐ Victim ☐ Other	[REDACTED]	[REDACTED] FBB4 [REDACTED]

☐ N/A FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / NON-CONVENTIONAL FORCE								
☒ Physical:	Lethal Weapons	Warning:	Effect:	Less Lethal Weapons:	# Effect:	Chemical Agent:	Projector:	# Deployed
☐ Hand-Held Baton	☐ Mini-14 ☐ .38 Cal ☐ .40 Cal ☐ 9 mm ☐ Shotgun			☐ 37 mm ☐ 40 mm ☐ L8 ☐ 40 mm Multi ☐ HWRBS		☐ OC ☐ CN ☐ CS		
☐ X-10 BRD w/o OC								
☐ X-10 BRD w/ OC								

☐ Non-Conventional or Force Not Listed Above:

FORCE OBSERVED BY YOU	☐ N/A ☒ Physical ☐ Hand-Held Baton ☐ Chemical Agent ☐ X-10 ☐ Less Lethal ☐ Lethal ☐ Non-Conventional							
EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION		EVIDENCE DISPOSITION			BIO HAZARD	PPE	
☐ Yes ☒ No	☒ N/A		☒ N/A			☐ Yes ☒ No	☐ Yes ☒ No	
REPORTING STAFF INJURED	DESCRIPTION OF INJURY		LOCATION TREATED (HOSPITAL/CLINIC)		FLUID EXPOSURE		SCIF 3301/3067 COMPLETED	
☐ YES ☒ NO	☒ N/A		☒ N/A		☐ BODILY ☐ UNKNOWN ☐ Other		☐ YES ☒ NO	

NARRATIVE

On Saturday, December 1, 2018, at approximately 0758 hours, while performing my duties as Facility "B" Building 4 Floor Officer #1, I heard a request for a Code-1 medical emergency response on Facility "B" South Yard in front of Facility "B" Medical. Upon my arrival, I observed Inmate [REDACTED] (FBB4-[REDACTED]) complaining about back pain while sitting in a wheel chair. I observed Inmate [REDACTED] threw himself out of the wheel chair and fall onto the ground face down on the South Yard roadway while holding onto the center chain link fence. I then observed Officer [REDACTED] trying to control [REDACTED] right arm to apply handcuffs. I observed Officer [REDACTED] trying to control [REDACTED] left arm so officer [REDACTED] could apply handcuffs on [REDACTED]. I was giving verbal orders to [REDACTED] to stop resisting while utilizing physical force with my two hands to [REDACTED] shoulder area to attempt to affect custody and overcome the resistance. [REDACTED] complied to handcuffs and

☒ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

SIGNATURE OF REPORTING STAFF [REDACTED]	TITLE CORRECTIONAL OFFICER	BADGE # / ID# 84781 / 2164198	DATE 12/01/2018
NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE) [REDACTED]	DATE RECEIVED 12/01/2018	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO
			DATE 12/01/2018

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DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT

PART C1 - SUPPLEMENT

CDCR 837-C1 (REV. 10/15)

PAGE 2 OF 2

INCIDENT LOG NUMBER

LAC-BYRD-18-12-1068

NAME: LAST

FIRST

MI

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TYPE OF INFORMATION:

☒ CONTINUATION OF REPORT☐ CLARIFICATION OF REPORT☐ ADDITIONAL INFORMATION

was able to stand to his two feet and sit in the wheel chair. [REDACTED] was escorted off the South Yard and escorted to the Correctional Treatment Center.

☐ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

SIGNATURE OF REPORTING STAFF 	TITLE CORRECTIONAL OFFICER	BADGE # / ID# 84781 / 2164198	DATE 12/01/2018
NAME AND TITLE OF OFFICER / SUPERVISOR (SIGNATURE) 	DATE RECEIVED 12/01/2018	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO
			DATE 12/01/2018

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STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT

PART C - STAFF REPORT

CDCR 837-C (REV. 10/15)

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INCIDENT LOG NUMBER

LAC-BYRD-18-12-1065

NAME: LAST [REDACTED]		FIRST [REDACTED]		MI NMI	DATE OF INCIDENT 12-01-2018	TIME OF INCIDENT 0758 hrs	
POST# 221652	POSITION B1 Floor#2	YEARS OF SERVICE 4YRS. 11MO.		DATE OF REPORT 12-01-2018		LOCATION OF INCIDENT SOUTH YARD	
RDO'S TH/F	DUTY HOURS 0600-1400	DESCRIPTION OF CRIME / INCIDENT RESISTING A PEACE OFFICER RESULTING IN THE USE OF FORCE				CCR SECTION / RULE 3005 (d) (1) ☐ N/A	
YOUR ROLE		WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)		INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESSES)			
☐ Primary		(S) [REDACTED]		(S) [REDACTED]		(FBB4 [REDACTED])	
☒ Responder							
☐ Witness							
☐ Camera							
☐ Victim							
☐ Other:							
☐ N/A							
FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / NON-CONVENTIONAL FORCE							
☒ Physical: HANDS	Lethal Weapons	Warning	Effect	Less Lethal Weapons	# Effect	Chemical Agent	Projector
☐ Hand-Held Baton	☐ Mini-14			☐ 37 mm		☐ OC	
☐ X-10 BRD w/p OC	☐ 38 Cal			☐ 40 mm		☐ CN	
☐ X-10 BRD w/ OC	☐ 40 Cal			☐ 18		☐ CS	
	☐ 9mm			☐ 40 mm Multi			
	☐ Shotgun			☐ HFWS			
☐ Non-Conventional or Force Not Listed Above:							
FORCE OBSERVED BY YOU	☐ N/A ☒ Physical ☐ Hand-Held Baton ☐ Chemical Agent ☐ X-10 ☐ Less Lethal ☐ Lethal ☐ Non-Conventional						
EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION		EVIDENCE DISPOSITION		BIO-HAZARD	PRE	
☐ Yes					☐ Yes	☐ Yes	
☒ No	☒ N/A		☒ N/A		☒ No	☒ No	
REPORTING STAFF INJURED	DESCRIPTION OF INJURY		LOCATION TREATED (HOSPITAL/CLINIC)		FLUID EXPOSURE		SCIF 3301 / 3067 COMPLETED
☐ YES					☐ BODILY ☒ N/A		☐ YES
☒ NO	☒ N/A		☒ N/A		☐ UNKNOWN		☒ NO
					☐ Other		

NARRATIVE:

On Saturday, December 01, 2018, at approximately 0758 hours, I was conducting my duties as Facility B, Building 1, Floor# 2, monitoring inmates returning from morning breakfast in Building 2, when a Code 1 medical response was requested via institutional radio on the South Yard. I ordered all inmates in my immediate area to "get down", which they complied. I initiated my response. Upon arriving to the incident area, [REDACTED] ([REDACTED]) was lying on the ground and complaining of back pain. I observed responding staff bringing a wheelchair, [REDACTED] was able to stand up and sit in the chair on his own. Responding medical staff advised [REDACTED] that he is going back to his assigned housing. [REDACTED] immediately threw himself out of the wheelchair and fell onto the ground. I tried to assist inmate [REDACTED] back into the wheelchair, however [REDACTED] was holding onto the center chain link fence. I ordered [REDACTED] to place his hands behind his back, [REDACTED] disobeyed my

☒ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

SIGNATURE OF REPORTING STAFF [REDACTED]	TITLE CORRECTIONAL OFFICER	BADGE # / ID# 63390/2163702	DATE 12-01-2018
PRINT / SIGNATURE [REDACTED]	DATE RECEIVED 12-01-2018	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO
			DATE 12-01-2018

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STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT

PART C1 - SUPPLEMENT

CDCR 837-C1 (REV. 10/15)

PAGE 2 OF 2

INCIDENT LOG NUMBER

LAC-BYRD-18-12-1068

NAME: LAST

FIRST

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TYPE OF INFORMATION:



CONTINUATION OF REPORT



CLARIFICATION OF REPORT



ADDITIONAL INFORMATION

orders as he continued to hold onto the fence and stating "I want to go to A/B Medical." Due to inmates' unknown intentions, and his leg movements, I held both his legs in place utilizing my right hand holding his right leg and my left hand holding his left leg. I observed [REDACTED] utilizing both of his hands on [REDACTED] shoulders and using his body weight to hold down [REDACTED]. Due to my focus on [REDACTED] legs, I did not see who placed the hand cuffs. Once Inmate [REDACTED] stopped resisting I observed him in restraints. [REDACTED] stood up on his own and sat on the wheel chair. I escorted Inmate [REDACTED] to A/B medical Facility where medical staff determined that he needed to be escorted to Treatment Triage Center (TTA) via Mary 3, for further care. Upon completion of the medical care, [REDACTED] was escorted back to Facility B without further incident.

☐ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

SIGNATURE OF REPORTING STAFF

TITLE

BADGE #/ID#

DATE

CORRECTIONAL OFFICER

83390/2163702

12-01-2018

OVER (PRINT / SIGNATURE)

DATE RECEIVED

CLARIFICATION NEEDED

APPROVED

DATE

12-01-2018

☐ YES ☒ NO☒ YES ☐ NO

12-01-2018

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DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT

PART C - STAFF REPORT

CDCR 837-C (REV. 10/15)

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INCIDENT LOG NUMBER

LAC-BYRD-18-12-1088

NAME - LAST [REDACTED]		FIRST [REDACTED]		MI A	DATE OF 12/01/2018	TIME OF INCIDENT 0758 HRS.	
POST # 221680	POSITION B Observation	YEARS OF SERVICE 0 YRS. 10 MO.	DATE OF REPORT 12/01/2018		LOCATION OF INCIDENT FACILITY B-SOUTH YARD		
RDO'S W/Th	DUTY HOURS 1400-2200	DESCRIPTION OF CRIME / INCIDENT Resisting a peace officer resulting in the use of force			CCR SECTION / RULE 3005(d)(1) ☐ N/A		
YOUR ROLE		WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)		INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESSES)			
☒ Primary		[REDACTED]		(S) [REDACTED]			
☐ Responder							
☐ Witness							
☐ Camera							
☐ Victim							
☐ Other							
☒ N/A FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / NON-CONVENTIONAL FORCE							
☐ Physical:	Lethal Weapons	Warning:	Effect:	Less Lethal Weapons:	# Effect:	Chemical Agent:	Projector:
☐ Hand-Held Baton	☒ Mini-14			☐ 37 mm		☐ OC	
☐ X-10 BRD w/o OC	☐ 38 Cal			☐ 40 mm		☐ CN	
	☐ 40 Cal			☐ L8		☐ CS	
	☐ 9 mm			☐ 40 mm Multi			
☐ X-10 BRD w/ OC	☐ Shotgun			☐ HFWS			
☐ Non-Conventional or Force Not Listed Above:							
FORCE OBSERVED BY YOU	☒ N/A ☒ Physical ☐ Hand-Held Baton ☐ Chemical Agent ☐ X-10 ☐ Less Lethal ☐ Lethal ☐ Non-Conventional						
EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION		EVIDENCE DISPOSITION		BIO HAZARD		PPE
☐ Yes ☒ No	[REDACTED]		[REDACTED]		☐ Yes ☒ No		☐ Yes ☒ No
	☒ N/A		☒ N/A				
REPORTING STAFF INJURED	DESCRIPTION OF INJURY		LOCATION TREATED (HOSPITAL/CLINIC)		FLUID EXPOSURE		SCIF 3301/3067 COMPLETED
☐ YES ☒ NO	[REDACTED]		[REDACTED]		☐ BODILY ☒ N/A ☐ UNKNOWN ☐ Other		☐ YES ☒ NO
	☒ N/A		☒ N/A				

NARRATIVE *scribble*

On Sunday, December 01, 2018 at approximately 0758 hours while performing my duties as Facility "B" Observation Officer, specifically monitoring the yard during morning chow and med line, I observed Inmate [REDACTED] (FBB4-[REDACTED]) enter the South yard coming from the medical area and fall to the ground. Utilizing my institutional radio I called for a code 1 response for a medical emergency and activated the yard alarm. Responding staff arrived with a wheel chair and Inmate [REDACTED] was able to stand and sit into the wheel chair using his own power. As staff was about to wheel Inmate [REDACTED] back to his building he rose up off the wheelchair and threw himself onto the ground. Responding staff attempted to place Inmate [REDACTED] into handcuffs but were unable to as he began to resist by holding onto the center chain link fence. I heard responding staff giving Inmate [REDACTED] multiple orders to stop resisting. Due to the amount of officers involved, my distance from the incident and my continuous monitoring of the yard, I was unable to observe what officers utilized physical force to affect custody and overcome the resistance of Inmate [REDACTED] Inmate [REDACTED]

☒ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

SIGNATURE OF REPORTING STAFF <i>[Signature]</i>	TITLE CORRECTIONAL OFFICER	BADGE # / ID# 91540 / 2165188	DATE 12/01/2018
NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE) [REDACTED]	DATE RECEIVED 12/01/2018	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO
			DATE 12/01/2018

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STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT

PART C1 - SUPPLEMENT

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INCIDENT LOG NUMBER

LAG-BYRD-18-12-1068

NAME - LAST

FIRST

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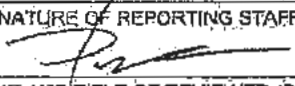
A

TYPE OF INFORMATION:

☒ CONTINUATION OF REPORT☐ CLARIFICATION OF REPORT☐ ADDITIONAL INFORMATION

eventually complied with staff and stood up and sat into the wheelchair. I saw Officer [REDACTED] escort inmate [REDACTED] in a wheel chair off the yard to medical. This concludes my involvement in this incident.

☐ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

SIGNATURE OF REPORTING STAFF 	TITLE CORRECTIONAL OFFICER	BADGE # / ID# 91540 / 2165188	DATE 12/01/2018
NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE) [REDACTED]	DATE RECEIVED 12/01/2018	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO
		DATE 12/01/2018	

DISTRIBUTION: Original: Incident Package Copy: Reporting Employee Copy: Reviewing Supervisor

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT

PART C - STAFF REPORT

CDCR 837-C (REV. 10/15)

Page 1 of 2

INCIDENT LOG NUMBER

BYAD
LAC-BRYD-18-12-1068

NAME: LAST		FIRST		MI	DATE OF INCIDENT	TIME OF INCIDENT
					12/1/2018	0758
POST #	POSITION	YEARS OF SERVICE	DATE OF REPORT	LOCATION OF INCIDENT		
221658	B3 FLR#1	2 YRS. 1MO.	12/1/2018	FACILITY 'B' SOUTH YARD		
RDO'S T/W	DUTY HOURS	DESCRIPTION OF CRIME / INCIDENT			CCR SECTION / RULE	
	0800-1400	RESISTING A PEACE OFFICER RESULTING IN THE USE OF FORCE			3005(d)1	
YOUR ROLE		WITNESSES (PREFACE S, STAFF, V, VISITOR, O, OTHER) INMATES (PREFACE S, SUSPECT, V, VICTIM, W, WITNESSES)				
☐ Primary ☒ Responder ☐ Witness ☐ Camera ☐ Victim ☐ Other		(S) [REDACTED] ([REDACTED] FBB4 [REDACTED])				
☐ N/A FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / NON-CONVENTIONAL FORCE						
☒ Physical: Hands ☐ Hand-Held Baton ☐ X-10 BRD w/o OC ☐ X-10 BRD w/ OC	Lethal Weapons: ☐ Mini-14 ☐ 38 Cal ☐ 40 Cal ☐ 9 mm ☒ Shotgun	Warning	Effect	Less Lethal Weapons: ☐ 37 mm ☐ 40 mm ☐ L8 ☐ 40 mm Multi ☐ HFWSR	# Effect	Chemical Agent: ☐ OC ☐ CN ☐ CS
						Projector ☐ Deployed
☐ Non-Conventional or Force Not Listed Above:						
FORCE OBSERVED BY YOU	☐ N/A ☒ Physical ☐ Hand-Held Baton ☐ Chemical Agent ☐ X-10 ☐ Less Lethal ☐ Lethal ☐ Non-Conventional					
EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION		EVIDENCE DISPOSITION		BIO-HAZARD	PPE
☐ Yes ☒ No	☒ N/A		☒ N/A		☐ Yes ☒ No	☐ Yes ☒ No
REPORTING STAFF INJURED	DESCRIPTION OF INJURY		LOCATION TREATED (HOSPITAL/CLINIC)		FLUID EXPOSURE	SCIF/3301/3087 COMPLETED
☐ YES ☒ NO	☒ N/A		☒ N/A		☐ BODILY ☐ UNKNOWN ☐ Other	☐ YES ☒ NO

NARRATIVE:

On Saturday December 1, 2018 at approximately 0758 hours, the yard alarm was activated for a medical emergency for an inmate down on Facility 'B' South Yard. I responded to the incident from 'B' Medical and observed Inmate [REDACTED] (FBB4-[REDACTED]) lying on the ground complaining about pain to his back. Responding staff arrived to the incident with a wheel chair and Inmate [REDACTED] was able to stand up and sit in the chair with no assistance. As [REDACTED] was sitting in the wheel chair, medical staff advised [REDACTED] he was okay to go back to his building due to there was nothing more they could do for his back pain. Without warning, [REDACTED] immediately threw himself to the ground from a seated position in the wheel chair landing face down on the ground. Officer [REDACTED] and I attempted to place [REDACTED] in restraints but he resisted by grabbing ahold of the center yard fence and not letting go. I gave multiple orders to [REDACTED] stop resisting and to let go of the fence. To overcome the resistance and effect custody of [REDACTED], I had to utilize physical force by grabbing [REDACTED] left wrist and forearm trying to pull his grip from the fence giving [REDACTED] orders to stop resisting. I

☒ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

SIGNATURE OF REPORTING STAFF	TITLE	BADGE # / ID#	DATE
[REDACTED]	Correctional Officer	90041/2184714	12/1/2018
NAME AND TITLE OF REVIEWING SUPERVISOR (SIGNATURE)	DATE RECEIVED	CLARIFICATION NEEDED	APPROVED
[REDACTED]	12/1/2018	☐ YES ☒ NO	☒ YES ☐ NO
			DATE
			12/1/2018

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STATE OF CALIFORNIA

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CRIME / INCIDENT REPORT

PART C1 - SUPPLEMENT

CDCR 837-C1 (REV. 10/15)

PAGE 2 OF 2

INCIDENT LOG NUMBER

LAC-BYRD-18-12-1068

NAME: LAST

FIRST

MI

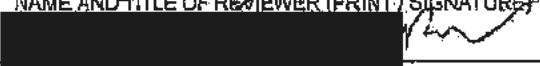
M

TYPE OF INFORMATION:

☒ CONTINUATION OF REPORT☐ CLARIFICATION OF REPORT☐ ADDITIONAL INFORMATION

observed Officer [REDACTED] grab [REDACTED] right arm and gave him orders to stop resisting as he tried to pull his right hand from the fence. I turned my focus back to trying to pull [REDACTED] left hand off the fence. [REDACTED] suddenly complied by stopping all his resistive behavior. I was able to place restraints to his left wrist. Responding staff assisted [REDACTED] to his feet and he sat in the wheel chair. [REDACTED] was escorted off the yard and to A/B medical without further incident. This concludes my report.

☐ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

SIGNATURE OF REPORTING STAFF 	TITLE Correctional Officer	BADGE # / ID# 90041/2164714	DATE 12/1/2018
NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE) 	DATE RECEIVED 12/1/2018	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO
		DATE 12/1/2018	

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STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT

PART C - STAFF REPORT

CDCR 837-C (REV. 10/15)

Page 1 of 2

INCIDENT LOG NUMBER

LAC-BYRD-18-12-1068

NAME: LAST [REDACTED]		FIRST [REDACTED]		MI NM	DATE OF INCIDENT 12/01/2018	TIME OF INCIDENT 0758 HOURS
POST # 221655	POSITION F8B2-FL1	YEARS OF SERVICE 3 YRS. 7 MO.	DATE OF REPORT 12/01/2018		LOCATION OF INCIDENT FACILITY "B" SOUTH YARD	
RDO'S WTH	DUTY HOURS 0600-1400	DESCRIPTION OF CRIME / INCIDENT RESISTING A PEACE OFFICER RESULTING IN THE USE OF FORCE			CCR SECTION / RULE 3005 (d) (1) ☐ N/A	

YOUR ROLE	WITNESSES (PREFACE S: STAFF, V: VISITOR, O: OTHER)	INMATES (PREFACE S: SUSPECT, V: VICTIM, W: WITNESSES)
☐ Primary		(S) [REDACTED] (V) [REDACTED] FBB4-[REDACTED]
☒ Responder		
☐ Witness		
☐ Camera		
☐ Victim		
☐ Other:		

FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / NON-CONVENTIONAL FORCE								
☒ Physical: Hands	Lethal Weapons	Warning	Effect	Less Lethal Weapons	# Effect	Chemical Agent	Projector	# Deployed
☐ Hand-Held Baton	☐ Mini-14			☐ 37 mm		☐ OC		
☐ X-10 BRD w/o OC	☐ 38 Cal			☐ 40 mm		☐ CN		
☐ X-10 BRD w/ OC	☐ 40 Cal			☐ L8		☐ CS		
	☐ 9 mm			☐ 40 mm Multi				
	☐ Shotgun			☐ HPWRS				

☐ Non-Conventional or Force Not Listed Above:

FORCE OBSERVED BY YOU	☒ N/A ☐ Physical ☐ Hand-Held Baton ☐ Chemical Agent ☐ X-10 ☐ Less Lethal ☐ Lethal ☐ Non-Conventional							
EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION		EVIDENCE DISPOSITION		BIO HAZARD		PPE	
☐ Yes ☒ No	☒ N/A		☒ N/A		☐ Yes ☒ No		☐ Yes ☒ No	

REPORTING STAFF INJURED	DESCRIPTION OF INJURY	LOCATION TREATED (HOSPITAL/CLINIC)	FLUID EXPOSURE	SOIF 3301/3067 COMPLETED
☐ YES ☒ NO	☒ N/A	☒ N/A	☐ BODILY ☒ N/A ☐ UNKNOWN ☐ Other	☐ YES ☒ NO

NARRATIVE

On Saturday, December 01, 2018, at approximately 0758 hours, while monitoring the return of Inmates back into Facility B Housing Unit #2 from morning meal, I heard via institutional radio a request for a code 1 response in front of medical. Upon my arrival to the alarm I observed an Inmate, who was later identified as Inmate [REDACTED] (FBB4-[REDACTED]), laying on the floor next the gate in front of medical. Inmate [REDACTED] was assisted to his feet and sat on the wheelchair brought by responding staff. Facility B medical staff informed custody staff that Inmate [REDACTED] was cleared to return back to his housing unit. Inmate [REDACTED] immediately yelled "fuck that I am not going back to the building" stood up on his feet and positioned himself back on the ground yelling "I am not going back to the housing unit". I attempted to assist Inmate [REDACTED] back to his feet and onto the wheelchair when suddenly he turned his body completely onto his stomach and concealed his hands underneath him. I reached for his hands and gave a loud and clear order "stop resisting and show me your hands". Inmate [REDACTED] brought his hands out from underneath him and reached out grabbing the fence. I

☒ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

SIGNATURE OF REPORTING STAFF [REDACTED]	TITLE CORRECTIONAL OFFICER	BADGE # / ID# 86884/2164808	DATE 12/01/2018
(E)	DATE RECEIVED 12/01/2018	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO
			DATE 12/01/2018

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT

PART C1 - SUPPLEMENT

CDCR 837-C1 (REV. 10/15)

PAGE 1 OF 2

INCIDENT LOG NUMBER

LAC-BYRD-18-12-1088

NAME: LAST

FIRST

MI

NMI

TYPE OF INFORMATION:

☒ CONTINUATION OF REPORT☐ CLARIFICATION OF REPORT☐ ADDITIONAL INFORMATION

applied handcuffs to Inmate [REDACTED] right hand and maintained control of the handcuff, as Inmate [REDACTED] began to move his upper torso side to side and started kicking his legs, while stating "get the fuck off me". In order to affect custody and subdue Inmate [REDACTED] active resistance, I maintained possession of the handcuff with my right hand forcing it in place, and I used my left hand over Inmate [REDACTED] right shoulder pinning him to the ground. I gave another clear and loud order "stop resisting". Inmate [REDACTED] complied, and his left hand was placed into restraints. I released my hold and custody staff assisted him back to the wheelchair. I took a step back and away from the incident and began to provide coverage on the yard.

☐ CHECK IF NARRATIVE IS CONTINUED ON CDCR-837-C1.

SIGNATURE OF REPORTING STAFF

TITLE

BADGE # / ID#

DATE

CORRECTIONAL OFFICER

86884/2164808

12/01/2018

DATE RECEIVED

CLARIFICATION NEEDED

APPROVED

DATE

12/01/2018

☐ YES ☒ NO☒ YES ☐ NO

12/01/2018

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STATE OF CALIFORNIA
**MEDICAL REPORT OF INJURY
OR UNUSUAL OCCURRENCE**
CDCR 7219 (Rev. 01/18)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Page 1 of 2

NAME OF INSTITUTION <i>LAC</i>	LOCATION OF EVALUATION <i>TYA</i>	DATE <i>12/1/18</i>
REASON FOR REPORT ☐ ALLEGATION ☐ ON THE JOB INJURY ☐ USE OF FORCE ☒ INJURY ☐ OTM RETURNS ☐ UNUSUAL OCCURRENCE ☐ PRE AD/SEG ADMISSION ☐ R&R ☐ OTHER		
PLACE OF OCCURRENCE <i>Biyone</i>	PERNR / INST. ID# <i>N/A</i>	VISITOR ID# (SOVIS) <i>N/A</i>
DATE OF OCCURRENCE <i>12/1/18</i>	TIME OF OCCURRENCE <i>0758</i>	TIME SEEN <i>0825</i>
	RN NOTIFIED TIME <i>0825</i>	PHYSICIAN NOTIFIED TIME <i>0830</i>

BRIEF STATEMENT IN SUBJECT'S WORDS OF THE CIRCUMSTANCES OF THE INJURY OR UNUSUAL OCCURRENCE (I

because they told me to "fall if you don't feel well". So I took a knee. I fell in the B yard

INJURIES FOUND?	YES / NO
Abrasion/Scrub	☒
Active Bleeding	☐
Broken Bone	☐
Bruise/Discolored Area	☐
Burn	☐
Dislocation	☐
Dried Blood	☐
Fresh Tattoo	☐
Cut/Laceration/Slash	☐
Swollen Area	☐
Pain	☒
Protrusion	☐
Puncture	☐
Reddened Area	☐
Skin Flap	☐
Pre-Existing	☐
Other	☐

Chemical Agent Exposure? YES / NO

Chem. Agent Exposure Area

Decontaminated w/ Water? YES / NO / REFUSED

Decontaminated w/ Ant. YES / NO / REFUSED

Self-decontamination Instructions given? YES / NO

Staff issued Exposure packet? YES / NO

Q 15 min. check times

Initial	1 st Check
2 nd Check	Initial

TIME/DISPOSITION

REPORT COMPLETED BY/TITLE (PRINT AND SIGN) <i>John ...</i>	PERNR / INST. ID# <i>117475</i>	RDOs <i>2165302</i>	ASSIGNMENT AREA <i>TYA</i>

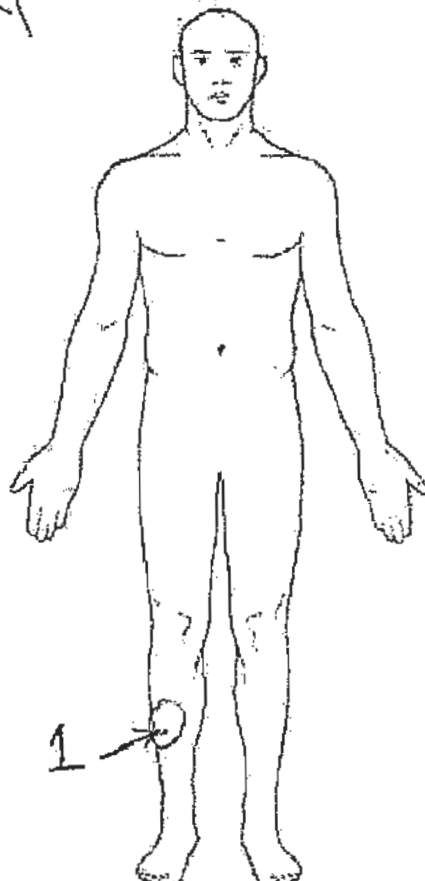
Right



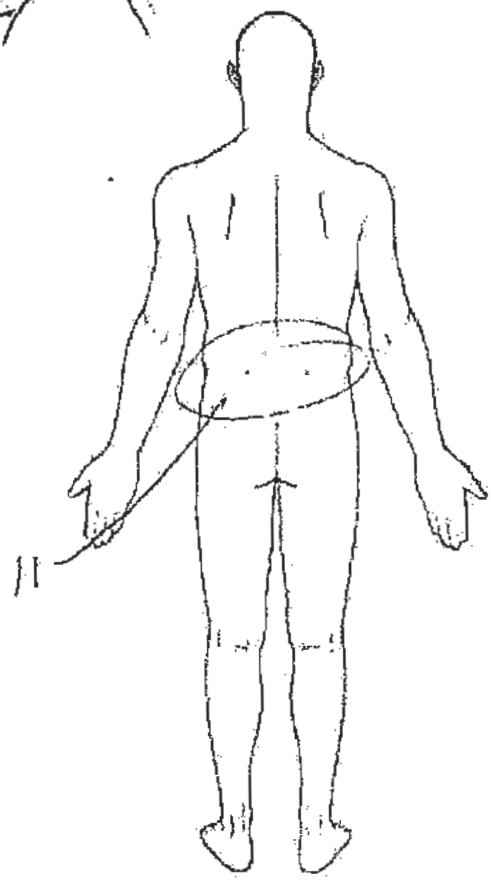
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Front



Back



1

EXHIBIT B

Report of Findings - Inmate Interview

INCIDENT SITE/LOCATION		INCIDENT / APPEAL / FF LOG #	
FACILITY B SOUTH YARD		LAC-BYRD-18-12-1068	
DESCRIPTION OF THE INCIDENT		INCIDENT DATE	
ALLEGATION OF UNNECESSARY OR EXCESSIVE FORCE		12/1/2018	
NAME AND TITLE OF INTERVIEWER		NAME AND TITLE OF CAMERA OPERATOR	
Correctional Sergeant (A) [REDACTED]		Correctional Sergeant [REDACTED]	
INMATE NAME AND CDCR#		DATE OF INTERVIEW	NAME AND TITLE OF TRANSLATOR (IF UTILIZED)
[REDACTED]		12/21/2018	N/A

The Report of Findings shall be conducted by custodial supervisors (sergeants or lieutenants) who did not use, or observe the force used, in the incident.

INMATE INTERVIEW		Yes	No	N/A
1.	Did the inmate refuse to participate in the interview? If so, please provide the name and title of staff who asked the inmate to participate. Name: _____ Title: _____	☐	☒	
2.	What is the reason for the interview? ☐ Serious Bodily Injury ☐ Great Bodily Injury ☒ Allegation			
a.	If there was an allegation, describe the allegation: <i>Description: Unnecessary or Excessive Force</i>			
3.	Summarize the statements made by the inmate during the interview: <i>Summary: On Friday, December 21, 2018, I received a CDCR 602 Inmate Appeal form from Inmate [REDACTED] dated 12/18/2018. In the appeal Inmate [REDACTED] stated that he was assaulted by several un-named Correctional Officers for trying to go "Man down" due to pain he was having in his back. On that same date I received the appeal, I conducted a video tapped interview with [REDACTED]. [REDACTED] alleges that he was repeatedly punched, pulled, snatched and grabbed by correctional officers. [REDACTED] stated he was told to get on the ground and go "Man down" because he informed staff he had pain in his back. Staff informed [REDACTED] he was going to go back to the building and [REDACTED] told them that he was in too much pain. [REDACTED] told staff "I ain't going back to that building, I'm hurting too bad." Staff informed [REDACTED] they were going to take him back anyway, so [REDACTED] got out of the wheelchair, and got back on the ground. [REDACTED] stated that 5-7 correctional officers started grabbing him and punching him so he grabbed the fence. [REDACTED] stated that staff tried to snatch him and they grabbed his legs. [REDACTED] stated he felt knees in his back and staff started punching him on his head, telling him to stop resisting. [REDACTED] stated he informed staff that he was in pain. At that time [REDACTED] stated he quit resisting because his back was tender. [REDACTED] stated he let go of the fence and staff took him to medical after that.</i>			

INMATE WITNESSES INTERVIEWED		Yes	No	N/A
1.	Did the inmate being interviewed request inmate witnesses. If yes, fill in the information below: Inmate Name: [REDACTED] CDCR#: [REDACTED] Housing: B3- [REDACTED] Date Interviewed: 12/29/2018 Inmate Name: [REDACTED] CDCR#: [REDACTED] Housing: B4- [REDACTED] Date Interviewed: 12/29/2018 Inmate Name: [REDACTED] CDCR#: [REDACTED] Housing: B5- [REDACTED] Date Interviewed: 12/29/2018 Inmate Name: [REDACTED] CDCR#: [REDACTED] Housing: B5- [REDACTED] Date Interviewed: 12/29/2018	☒	☐	
2.	Did any inmates refuse to participate in the interview? If so, please provide the name and title of staff who asked the inmate to participate: Staff Name: _____ Title: _____ Inmate Refused: _____ Staff Name: _____ Title: _____ Inmate Refused: _____ Staff Name: _____ Title: _____ Inmate Refused: _____ Staff Name: _____ Title: _____ Inmate Refused: _____	☐	☐	☒

Report of Findings – Inmate Interview

3. Summarize the statements made by the witnesses during the interview:

Summary: Inmate [REDACTED] was unable to provide any inmate witnesses; therefore I selected four second watch ADA Workers who was on the yard working during the time of the incident.

On Saturday, December 29, 2018, I interviewed Inmate [REDACTED] B3- [REDACTED] regarding the alleged incident that occurred on December 1, 2018 involving Inmate [REDACTED]. [REDACTED] stated that on that date and time he was not near B medical during the incident nor does he recall the incident. Therefore he was not able to provide any information regarding alleged incident.

On Saturday, December 29, 2018, I interviewed Inmate [REDACTED] B4- [REDACTED] regarding the alleged incident that occurred on December 1, 2018 involving Inmate [REDACTED]. [REDACTED] stated that on that date and time he was not near B medical during the incident nor does he recall the incident. Therefore he was not able to provide any information regarding alleged incident.

On Saturday, December 29, 2018, I interviewed Inmate [REDACTED] B5- [REDACTED] regarding the alleged incident that occurred on December 1, 2018 involving Inmate [REDACTED]. [REDACTED] stated that on that date and time he was not near B medical during the incident nor does he recall the incident. Therefore he was not able to provide any information regarding alleged incident.

On Saturday, December 29, 2018, I interviewed Inmate [REDACTED] B5- [REDACTED] regarding the alleged incident that occurred on December 1, 2018 involving Inmate [REDACTED]. [REDACTED] stated that on that date and time he was not near B medical during the incident nor does he recall the incident. Therefore he was not able to provide any information regarding alleged incident.

EXHIBIT C

State of California

Department of Corrections and Rehabilitation

Memorandum

Date: March 25, 2020

To: R.C. JOHNSON
Warden
California State Prison - Los Angeles County

Subject: **ALLEGATION INQUIRY – ALLEGATIONS OF REPORTS FROM ARMSTRONG CLASS MEMBERS HOUSED AT CSP-LAC THAT STAFF CONFISCATED DURABLE MEDICAL EQUIPMENT AND USED EXCESSIVE FORCE.**

On July 23, 2019, the California State Prison – Los Angeles County (LAC), Hiring Authority, received a copy of a report authored by attorney representing the Armstrong class members. Specifically, the Armstrong class members are represented by the law firm of Rosen Bien Galvan & Grunfeld LLP (RBGG). For the purpose of this report the RBGG will be referred to as the Prison Law Office (PLO). The report contained multiple allegations of staff misconduct. Specifically, the report notes, ***“Staff Misconduct: We have serious, ongoing concerns about the use of excessive and unreasonable force on Coleman and Armstrong class members. We are also troubled by the persistent reports of harassment, retaliation, and custodial indifference to the needs of people with disabilities that we regularly receive from class members at LAC. Class members in the EOP Units at LAC raised these complaints the most persistently, although the complaints also came from class members on other facilities. Along with EOP program participants, class members with serious disabilities appear to be frequent targets of staff abuse and class members’ willingness to make 1824 requests is often impeded by a fear of retaliation for making such requests. As we have emphasized in previous reports, staff misconduct – particularly the use of excessive force – creates a climate of fear that in turn produces a chilling effect on the ability of individuals with disabilities to request the accommodations that they need.”***

Based on these allegations the PLO, has requested that all of the allegations of staff misconduct are fully investigated regardless of any informal fact-finding determinations that already may have been made by the institution. Additionally, the PLO has requested that the investigations include reviews of any disciplinary actions taken against prisoners alleging staff misconduct, especially those who received Rules Violation Reports (RVRs) following physical confrontations with staff.

This memorandum is being submitted to request closure to the inquiry regarding the following allegation(s):

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* CDC, 1617 (3/89)

March 25, 2020

Inquiry into allegations that staff confiscated Durable Medical Equipment and used excessive force.

Page 2 of 6

- **Inmate [REDACTED] ([REDACTED]) alleges that Officer [REDACTED] confiscated his Durable Medical Equipment (DME) (TENS unit, nasal inhaler, therapeutic boots, and braces). [REDACTED] alleges that he was later the victim of unnecessary and/or excessive force (No Suspects or specific date).**

Inmate Appeals Office (IAO):

On March 23, 2020, Lieutenant (Lt.) C. [REDACTED] contacted the Appeals Coordinator and was informed there was a staff complaint appeal relevant to this allegation. The appeal was reviewed and will be referenced in the "Document Review" section of this closure.

Health Care Grievances:

On March 25, 2020, Health Care Grievance Coordinator M. Mijangos was contacted in regards to this inquiry. M. Mijangos reported that she had not received any appeals in regards to the allegations included in this inquiry.

DOCUMENT REVIEW:

A review of [REDACTED] SOMS/ERMS files shows an appeal log number LAC-D-18-06575, was received on December 21, 2018 (**Attachment 1**). In the appeal, [REDACTED] is accusing Officer A. [REDACTED] of taking his TENS Unit and Therapeutic boots. In the same appeal, [REDACTED] claims Correctional Officers used unnecessary force against him on December 1, 2018. In the appeal interviews, Officer [REDACTED] did not recall taking any of [REDACTED] Durable Medical Equipment (DME). A videotaped interview was conducted due to an allegation of unnecessary force made by [REDACTED] (**Attachment 5**).

Investigator's Note: The allegations in the appeal appear to match the allegations that [REDACTED] made to the PLO. The allegations have been addressed through the appeal process. The incident that [REDACTED] is referring to in this allegation took place on December 1, 2018. A videotaped interview was completed, and CDCR 3014 was done on December 29, 2018. The interview and CDCR 3014 will be referenced later in this document.

A Reasonable Accommodation Panel (RAP) Response from December 27, 2018 states the following (**Attachment 2**):

"There is no medical indication for a wrist, knee, or ankle brace. There is no medical indication for a TENS unit, walker, or orthopedic shoes. On December 24, 2018 a referral for physical therapy was made and shoe inserts were ordered. Your medications for the inhaler and skin cream were refilled and you are to continue with your current pain medication."

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March 25, 2020

Inquiry into allegations that staff confiscated Durable Medical Equipment and used excessive force.

Page 3 of 6

Investigator's Note: The RAP response directly addresses the allegation [REDACTED] made. In the response, the panel indicates that [REDACTED] was not authorized to have a TENS unit, orthopedic shoes, braces, or a walker. The RAP response also addresses the appeal filed by [REDACTED] regarding a use of force by correctional staff.

A CDCR 837 Crime/Incident report log number LAC-BYRD-18-12-1068 (**Attachment 7**) was initiated on December 1, 2018, for Resisting and/or Obstructing a Peace Officer, Resulting in Use of Force. The staff identified as using force were officers [REDACTED] [REDACTED]. Each officer authored an 837 Part C. The following information was extracted from the officer's reports.

[REDACTED]

"I was giving verbal orders to [REDACTED] to stop resisting while utilizing physical force with my two hands to [REDACTED] shoulder area to attempt to affect custody and overcome resistance."

[REDACTED]

"I held both his legs in place utilizing my right hand holding his right leg and my left hand holding his left leg."

[REDACTED]

"To overcome resistance and effect custody of [REDACTED] I had to utilize physical force by grabbing [REDACTED] left wrist and forearm, trying to pull his grip from the fence giving [REDACTED] orders to stop resisting."

[REDACTED]

"In order to affect custody and subdue Inmate [REDACTED] active resistance, I maintained possession of the handcuff with my right hand forcing it in place, and I used my left hand over Inmate [REDACTED] right shoulder pinning him to the ground."

The CDCR 7219 completed on [REDACTED] on December 1, 2018, only noted an abrasion/scratch on [REDACTED] right shin area and pain to his lower back.

*Investigator's Note: On December 1, 2018, an incident report was completed. Each officer wrote a report and documented the type of force they used. None of the involved officers documented kicks, punches, or knees. [REDACTED] did not make any accusations to medical staff during his medical evaluation. The incident was reviewed by the Institutional Executive Review Committee (IERC) and the case **was not** referred for further investigation.*

SPACE LEFT INTENTIONALLY BLANK

March 25, 2020

Inquiry into allegations that staff confiscated Durable Medical Equipment and used excessive force.

Page 4 of 6

On December 21, 2018, a videotaped interview was conducted (**Attachment 3**) with [REDACTED] to address the allegation of an unnecessary use of force. A CDCR 3014 Report of Findings-Inmate Interview was completed (**Attachment 4**). During the interview, [REDACTED] states he was punched, pulled, and grabbed by Correctional Officers. [REDACTED] does not name specific officers. [REDACTED] does admit he purposely went "Man down," because he was told by staff that he was going back to his building. [REDACTED] stated, **"I ain't going back to that building. I'm hurting too bad."** [REDACTED] also stated **"So I got out of the chair and got back on the ground."** [REDACTED] states he felt Officers punching him, so he grabbed the fence. [REDACTED] explained that he let go of the fence due to back pain. [REDACTED] specifically stated, **"I quit resisting after that."** A CDCR 7219 Medical Report of Injury or Unusual Occurrence completed on December 21, 2018, shows no visible injuries on [REDACTED]. Four ADA inmate workers were interviewed as possible witnesses, none of the inmates provide any information that would confirm the allegations.

Investigator's Note: In the interview, [REDACTED] admits he did not want to go back to his building, so he jumped out of the wheelchair and grabbed the fence. [REDACTED] admits to actively resisting correctional staff, before he complied with staff due to back pain. [REDACTED] also states he was in pain prior to the incident occurring. [REDACTED] failed to positively identify witnesses to the alleged excessive use of force. [REDACTED] also does not know who or how many officers responded.

A Rules Violation Report (RVR) log number 6120668 for Resisting Staff was authored on December 1, 2019 (**Attachment 6**) states:

"I observed Inmate [REDACTED] (FBB4-[REDACTED]) enter the South yard coming from the medical area and fall to the ground. Utilizing my institutional radio I called for a code 1 response for a medical emergency and activated the yard alarm. Responding staff arrived with a wheelchair and Inmate [REDACTED] was able to stand and sit into the wheelchair using his own power. As staff was about to wheel Inmate [REDACTED] back to his building he rose up off the wheelchair and threw himself onto the ground. Responding staff attempted to place Inmate [REDACTED] into handcuffs but were unable to as he began to resist by holding onto the center chain link fence. I heard responding staff giving Inmate [REDACTED] multiple orders to stop resisting."

Investigator's Note: In the comments, under the Plea and Statement section [REDACTED] states "I was man down and could not get up." [REDACTED] acknowledges the circumstance surrounding the RVR.

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March 25, 2020

Inquiry into allegations that staff confiscated Durable Medical Equipment and used excessive force.

Page 5 of 6

CONCLUSION:

The information gathered through this inquiry was obtained by reviewing documents such as the incident report, an appeal, the RAP response, and a videotaped allegation interview. The allegations made by [REDACTED] were addressed at all possible administrative levels at LAC. The RAP response indicated that [REDACTED] was no longer authorized to have a TENS unit, walker, or orthopedic shoes. The RAP response does state that [REDACTED] could have an inhaler and continue on his pain medication. [REDACTED] was interviewed regarding the allegation of excessive force. In the interview [REDACTED] acknowledges he purposely fell out of the wheelchair and was resisting staff. The custody staff members accurately documented the appropriate level of force they used during the incident. None of the reports authored mentioned punching or kneeling [REDACTED]. The CDCR 7219 that was completed on December 1, 2018, does not reflect any injuries consistent with being punch by five to seven officers. [REDACTED] was resisting staff because he did not want to go back to his assigned housing unit. These allegations appear to be an attempt by [REDACTED] to make another accusation of excessive force because he did not agree with the response he receive after filing an appeal. Based on the information obtained during the inquiry, this allegation lacks cause for further investigation.

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March 25, 2020

Inquiry into allegations that staff confiscated Durable Medical Equipment and used excessive force.

Page 6 of 6

RECOMMENDATION:

I recommend closure at this level of review based on the conclusion that the allegation described herein lacks cause for further investigation as they are deemed **Not-Sustained**.

This concludes the Investigative Services Unit (ISU) interest in this matter; however, if additional information creates new probable cause, additional inquiries may be initiated.

This report is being submitted for informational and dispositional purposes. Should there be any questions or concerns please contact the Investigative Services Unit.



Correctional Lieutenant
California State Prison – Los Angeles County

Please Check Box

☐ Concur with ISU Recommendation	☐ Disagree with ISU Recommendation
☐ Request Additional Information	☐ Prepare CDCR 989
Comments:	


R.C. JOHNSON
Warden
California State Prison – Los Angeles County

3/25/20
DATE

EXHIBIT D

DONALD SPECTER – 083925
RITA K. LOMIO – 254501
MARGOT MENDELSON – 268583
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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JOHN ARMSTRONG, et al.,

Plaintiffs,

v.

GAVIN NEWSOM, et al.,

Defendants.

Case No. C94 2307 CW

EXHIBITS D, M, N, UU, ZZ AND AAA
TO THE REPLY DECLARATION OF
ELDON VAIL IN SUPPORT OF
PLAINTIFFS' MOTION TO STOP
DEFENDANTS FROM ASSAULTING,
ABUSING AND RETALIATING
AGAINST PEOPLE WITH
DISABILITIES

Judge: Hon. Claudia Wilken
Date: October 6, 2020
Time: 2:30 p.m.
Crtrm.: Remote

Case No. C94 2307 CW

Manual Filing Notification

Regarding: Exhibit D, M, N, UU, ZZ, AAA to the Reply Declaration of Eldon Vail

This filing is in paper or physical form only, and is being maintained in the case file in the Clerk's office. If you are a participant in this case, this filing will be served in hard-copy shortly. For information on retrieving this filing directly from the court, please see the court's main web site at <http://www.cand.uscourts.gov> under Frequently Asked Questions (FAQ).

This filing was not e-filed for the following reason(s):

1. ☐ Unable to Scan Documents
2. ☐ Physical Object (please describe):
3. ☒ Non-Graphic/Text Computer File (audio, video, etc.) on CD or other media
4. ☐ Item Under Seal in Criminal Case
5. ☐ Conformance with the Judicial Conference Privacy Policy (General Order 53)
6. ☒ Other (please describe): **Exhibits D, M, N, UU, ZZ, and AAA are also being filed under seal**

DATED: September 25, 2020

Respectfully submitted,

ROSEN BIEN GALVAN & GRUNFELD LLP

By: /s/ Gay Crosthwait Grunfeld

Gay Crosthwait Grunfeld

Attorneys for Plaintiffs

EXHIBIT E

Institutional Executive Committee Allegation Review

IRTS072

Friday June 26, 2020 11:01:17 AM

Incident Site/Location	Incident Log #	Incident Date
SATF-Facility C California Substance Abuse Treatment Facility	000000000004982	04/04/2020

Description of the Incident	
Category	Type
Force and Violence	Not Applicable
Use of Force	Immediate

(Complete the items below)	Yes	No	N/A
1. Person making allegation: Name: [REDACTED] CDC#: [REDACTED]			
2. Allegation was made via: (Check all that apply) ☒ CDCR 602 ☒ Use of Force Interview ☐ CDCR 7219 ☐ Video Recording ☐ Written Statement ☐ Other (Describe in Comments)			
3. Were witnesses named?	☒	☐	
4. Were all witnesses interviewed or a CDCR 837 received?	☒	☐	☐
5. What documents were reviewed by the Fact Finding Official?: (Check all that apply) ☒ Use of Force Video Recording ☐ Incident Video Recording ☒ CDCR 7219 ☐ Photographs ☒ Staff Reports ☒ CDCR 602 ☐ Other (Describe in Comments)			
6. What other information was considered if different from above? (Describe in Comments)			

(Complete the items below)	Yes	No	N/A
7. Was the Report of Findings completed thoroughly?	☒	☐	
a. If "no", provide date it was sent back for completion:			
b. What was requested due date?			
8. Has the case been referred for further investigation?	☐	☒	
9. Does the IERC concur with the Fact Finder's conclusions?	☒	☐	
a. If "no", what action was taken?: (Check all that apply) ☐ Informal Training ☐ Documented OJT ☐ Progressive Discipline ☐ Submission to Office of Internal Affairs ☐ Policy Revision/Review ☐ Other (Describe in Comments)			

Comments:

Inmate [REDACTED], alleges that on April 4, 2020, his cell was selected for search and as he put down his glasses and looked at staff, Officer [REDACTED] sprayed him with OC pepper spray and Officer [REDACTED] assaulted him. The incident was documented in IR 4982. Upon review of the incident, staff report that inmate [REDACTED] refused to exit his cell, becoming argumentative with staff, tossed his glasses on his bed and lunged at staff. Officer [REDACTED] sprayed inmate [REDACTED] with OC pepper spray and [REDACTED] used physical force to overcome inmate [REDACTED]'s resistance. Lieutenant [REDACTED] conducted a video recorded interview on XXXXX during which inmate [REDACTED] reiterated his allegation made in his appeal. Lt. [REDACTED] interviewed inmate [REDACTED] on 04/27/2020, during which inmate [REDACTED] alleges when Officer [REDACTED] slammed him down to the floor, he put his arms against his sides and did not assault anyone. He stated that Officers [REDACTED] were on top of him but cannot remember if either hit him. Staff and inmate witnesses were interviewed and reflect that inmate [REDACTED] was not complying with staff orders and when he threw his glasses on the bed, was sprayed with OC pepper spray, which inmate [REDACTED] stated had no effect on him, he reached for something and Officer [REDACTED] pulled inmate [REDACTED] out of the cell because he did not know what inmate [REDACTED] was reaching for. Inmate [REDACTED] refused to submit to handcuffs, which he alluded to when he stated he put his to his sides. Staff used force to hold inmate [REDACTED] down and pull his hands behind his back for handcuffing. The inmate witness who saw the incident corroborated staff reports.

In consideration of all information received, staff reports explain the need for the use of force and the amount of force used. Therefore the allegation of unnecessary and excessive use of force is not sustained.

Analyst Name	Title	Date/Time
L. Opsitnick [OPLI001]	Use of Force Coordinator	05/18/2020 10:38:08

IERC Chairperson Name	Title	Date/Time
T. Cisneros [CIMA004]	Chief Deputy Warden	05/22/2020 15:31:00

[Prior Page](#)

EXHIBIT F

STATE OF CALIFORNIA
**MEDICAL REPORT OF INJURY
OR UNUSUAL OCCURRENCE**
CDCR 7219 (Rev. 01/18)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Page 1 of 2

NAME OF INSTITUTION CSP-LAC ✓ Delta 5 ✓ ALLOCATION Delta 5 ✓ DATE 7/25/18 ✓

REASON FOR REPORT ☐ ALLEGATION ☐ ON THE JOB INJURY ☐ USE OF FORCE ☐ INJURY ☐ OTM RETURNS
☒ UNUSUAL OCCURRENCE ☐ PRE AD/SEG ADMISSION ☐ R&R ☐ OTHER

NAME LAST FIRST CCCR NUMBER PERNR / INST. ID # VISITOR ID # (SOMG)
DS 7/25/18 13151307 1318 1320
PLACE OF OCCURRENCE DATE OF OCCURRENCE TIME OF OCCURRENCE TIME SEEN RN NOTIFIED TIME PHYSICIAN NOTIFIED TIME

BRIEF STATEMENT IN SUBJECT'S WORDS OF THE CIRCUMSTANCES OF THE INJURY OR UNUSUAL OCCURRENCE

"I can't feel my legs" "They hit me in my face 1 time and
Times" "I have pain to my neck and my back" "Stomp me
on my back" "hit in face 6 times and someone stepped on my neck"

INJURIES FOUND? YES / NO

Abrasion/Scratch	1
Active Bleeding	2
Broken Bone	3
Bruise/Discolored Area	4
Burn	5
Dislocation	6
Dried Blood	7
Fresh Tattoo	8
Cut/Laceration/Slash	9
Swollen Area	10
Pain	11
Protrusion	12
Puncture	13
Reddened Area	14
Skin Flap	15
Pre-Existing	16
Other	17
	18

Right

Left

Front

Back

Chemical Agent Exposure? YES / NO

Chemical Agent Exposure Area EX

Decontaminated w/ Water? YES / NO / REFUSED

Decontaminated w/ Air? YES / NO / REFUSED

Self-decontamination Instructions given? YES / NO

Staff issued Exposure packet? YES / NO

Q 15 min. check times

Initial	1 st Check
2 nd Check	Final

TIME/DISPOSITION

1324 DS RN OFFICE

REPORT COMPLETED BY/TITLE (PRINT AND SIGN)

Jackson, J. LTT

PERNR / INST. ID #
2164135RDCR
SMT/ANASSIGNMENT AREA
JIS

EXHIBIT G

Filed Under Seal

EXHIBIT H



**ROSEN BIEN
GALVAN & GRUNFELD LLP**

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March 19, 2019

PRIVILEGED AND CONFIDENTIAL SUBJECT TO PROTECTIVE ORDERS

VIA ELECTRONIC MAIL ONLY

Russa Boyd
Tamiya Davis
Non-Medical Class Action Team
CDCR Office of Legal Affairs
Russa.Boyd@cdcr.ca.gov
Tamiya.Davis@cdcr.ca.gov

VIA U.S. MAIL

Debbie Asuncion, Warden
California State Prison Los Angeles
County
P.O. Box 8457
Lancaster, CA 93539

Re: *Armstrong v. Newsom*
Plaintiffs' Report re December 2018 Monitoring Tour of
California State Prison–Los Angeles County
Our File No. 0581-03

Dear Ms. Boyd, Ms. Davis, and Ms. Asuncion:

Enclosed is Plaintiffs' Monitoring Tour Report on our December 10-13, 2018 tour of California State Prison–Los Angeles County (LAC). We would like to thank the staff at LAC who assisted with this tour for their courtesy and professionalism.

The attached tour report finds a number of areas of non-compliance that have been longstanding at CSP-LAC. We hope to discuss plans to remedy these problems with the local ADA team at LAC during the upcoming tour at LAC in May of 2019. We look forward to working with you to improve the institution's compliance with the *Armstrong* Remedial Plan.

///

///

///

Multiple class members also reported that B-yard Officer [REDACTED] frequently harasses DPW class members on B-yard. Mr. [REDACTED], [REDACTED], B1, DPW, reported that Officer [REDACTED] does not provide showers to inmates who have accidents when they request them. Mr. [REDACTED], [REDACTED], B1, DPW, reported that Officer Bolton/Bolden often refuses to let ADA inmates out of their cells when he works on the weekends.

We also received two particularly concerning use of force reports from Mr. [REDACTED], [REDACTED], DPW. With respect to the first incident, Mr. [REDACTED] informed us that on July 25, 2018 he was sent to the EOP-ASU and had his radio taken away for making threats to a custody officer. As he was entering his assigned D5 cell ([REDACTED]), control booth officers closed the door on his foot. An officer opened his door and guards yanked him out of the cell, then slammed his face, kicked him in the face, and broke his glasses and radio. He reported that a psychiatric technician who witnessed the incident told staff that he was hurt, so he was taken to the CTC and then to Antelope Valley Hospital, where he stayed for two days. After this assault he was made DPW due to his injuries. He reported that officers repeatedly prevented medical staff at the hospital from taking a statement from him about what happened and refused to take pictures of his injuries.

Officers' reports of the incident claim that while Mr. [REDACTED] was being transferred to cell D5-[REDACTED], he "intentionally stuck his leg out causing the cell door from fully closing," refused to remove his foot from the door, and then "forced his way out of the cell lunging towards the escorting officers." **Exhibit D** at 2. Mr. [REDACTED] was 52 years old at the time of the incident and has been diagnosed with severe tricompartmental arthrosis in his right knee and moderate hip arthrosis in both of his hips. These diagnoses of severe arthritis were confirmed following x-rays that Mr. [REDACTED] received on February 22, 2018. Due to his osteoarthritis, Mr. [REDACTED] was classified DPM and was issued a cane, mobility vest, walker, and knee braces before the July 25, 2018 incident. *See* July 2, 2018 LAC DECS Log. His medical records document that he had used a walker to ambulate for the past three years. Given Mr. [REDACTED]'s mobility restrictions, it is unlikely that he had the range of motion to stick his leg into the door and "lunge" at the officers as reported the incident reports.

In appeal number D-18-03889, Mr. [REDACTED] reported this incident. In his appeal, dated July 28, 2018, he wrote that he lost his walker and cane. He also wrote that he suffered from acute flaccid paralysis to his lower extremities, and reported that he was sent to Antelope Valley Hospital following the incident, but that when he was returned he was not placed into a DPW cell. His medical records confirm that he was sent out to Antelope Valley Hospital following the incident, where he was diagnosed with acute flaccid paralysis and provided with a wheelchair. Mr. [REDACTED] also reported that, following his return, he was not given wipes, despite his inability to control his bowel movements. The RAP committee did not respond to his reports of excessive force, but

noted that he had not been provided wipes until August 1, 2018 and that he was “inappropriately housed in 7/27/18 when [he] returned from outside medical.”

Mr. [REDACTED]’s second incident occurred in the D5 ASU Hub building on November 14, 2018. He informed us that an officer came to his cell (D5-[REDACTED]) to take him to his counselor CCI [REDACTED] on November 14, 2018. The officer opened the food port, placed handcuffs on him in the front (waist-chains), and then told him to “stand up” and “turn around” so he could put chains on Mr. [REDACTED]. Mr. [REDACTED] told him “I am DPW. I cannot stand,” so the Officer said he was not going to open the door to lock the chains and that he would mark Mr. [REDACTED] down as a refusal. Mr. [REDACTED] then asked if he could talk to the Sergeant, so the Officer called out for Sergeant [REDACTED] to come to the door. When the Sergeant came over, the Officer said “he refused to uncuff,” so the Sergeant and Officer grabbed the chains, pulling him out of his wheelchair and into the cell door. Mr. [REDACTED]’s arms came entirely out of the food-port (there were at least four officers pulling), which ripped the skin off of his hands and wrists. The Officers then took the cuffs off, making Mr. [REDACTED] fall backwards into his cell, laughing and remarking “you stood up now” along with a racial slur.

Mr. [REDACTED] reported that he was not written up nor was any use of force report written about the incident. He added that this was “one of many times” he was denied medical, yard, and groups on while housed on D5 because could not get out of his wheelchair and stand up. On Friday, November 23, 2018 he reported that he spoke to EOP ASU Lieutenant [REDACTED] about the incident and showed him the injuries, leading Lieutenant [REDACTED] to order that he could only be taken out of his cell by a Sergeant, even though a Sergeant was responsible for the incident. He informed us that the four officers who were party to the incident were Officers [REDACTED] [REDACTED] [REDACTED] and [REDACTED]

We request that the two incidents reported by Mr. [REDACTED] be investigated and that appropriate actions be taken to address any staff misconduct.

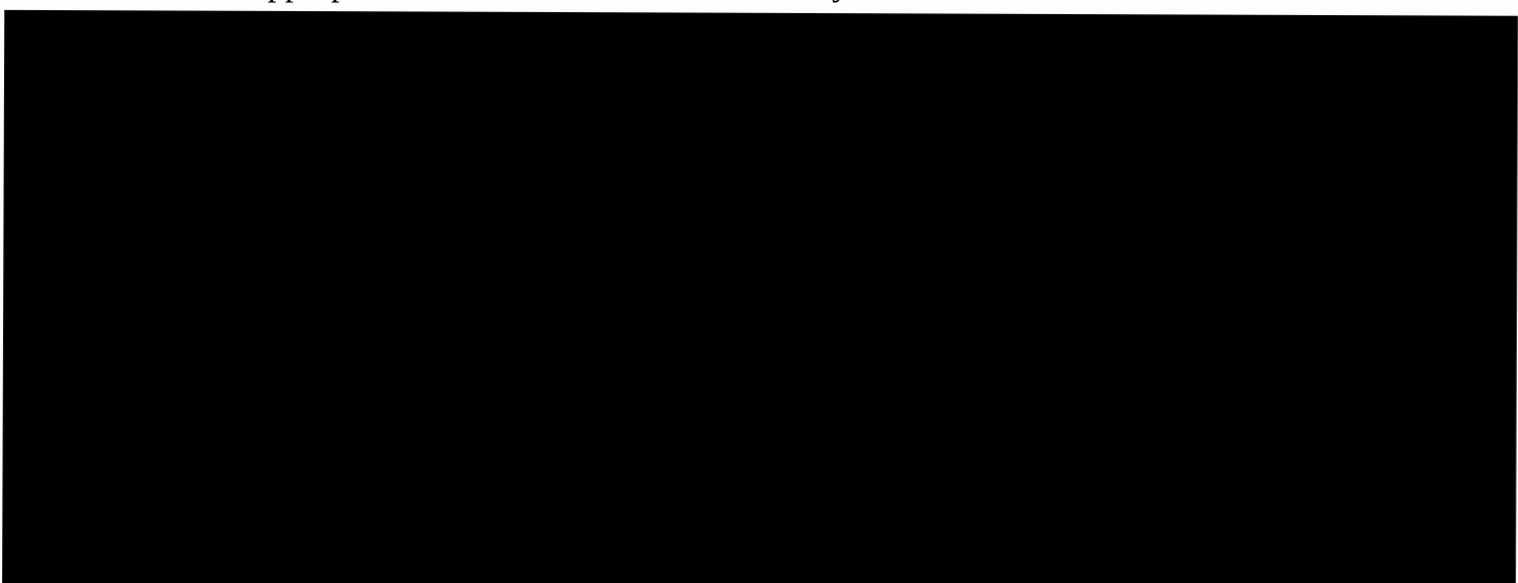


EXHIBIT I

State of California

Department of Corrections and Rehabilitation

Memorandum

Date: March 23, 2020

To: R.C. JOHNSON
Warden
California State Prison - Los Angeles County

Subject: ALLEGATION INQUIRY – ALLEGATIONS OF STAFF MISCONDUCT/EXCESSIVE
FORCE MADE BY INMATE [REDACTED]

On July 23, 2019, the California State Prison–Los Angeles County (LAC), Hiring Authority, received a copy of a report authored by attorney representing the Armstrong class members. Specifically the Armstrong class members are represented by the law firm of Rosen Bien Galvan & Grunfeld LLP (RBGG). For the purpose of this report the RBGG will be referred to as the Prison Law Office (PLO). The report contained multiple allegations of staff misconduct. ***Specifically, the report notes “Staff Misconduct: We have serious, ongoing concerns about the use of excessive and unreasonable force on Coleman and Armstrong class members. We are also troubled by the persistent reports of harassment, retaliation, and custodial indifference to the needs of people with disabilities that we regularly receive from class members at LAC. Class members in the EOP Units at LAC raised these complaints the most persistently, although the complaints also came from class members on other facilities. Along with EOP program participants, class members with serious disabilities appear to be frequent targets of staff abuse and class members’ willingness to make 1824 requests is often impeded by a fear of retaliation for making such requests. As we have emphasized in previous reports, staff misconduct—particularly the use of excessive force—creates a climate of fear that in turn produces a chilling effect on the ability of individuals with disabilities to request the accommodations that they need.”***

Based on these allegations the PLO, has requested that all of the allegations of staff misconduct are fully investigated regardless of any informal fact-finding determinations that already may have been made by the institution. Additionally the PLO has requested that the investigations include reviews of any disciplinary actions taken against prisoners alleging staff misconduct, especially those who received Rules Violation Reports (RVRs) following physical confrontations with staff.

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^a CDC 1617 (3/89)

March 23, 2020

Inquiry into allegations of staff misconduct by Inmate [REDACTED]

Page 2 of 8

This memorandum is being submitted to request closure to the inquiry regarding the following two (2) subject(s) / allegation(s), #97 and #98:

- ***Allegation #97.*** Inmate [REDACTED] reported that on July 25, 2018, at the California State Prison-Los Angeles County (LAC), Facility 'D', Enhanced Outpatient Program (EOP) yard, excessive and unnecessary force was used on him by an unidentified Correctional Officer (***Incident Log# LAC-D03-18-07-0629 & LAC-D05-18-07-0630***).
- ***Allegation #98.*** Inmate [REDACTED] reported on November 14, 2018, while housed at the California State Prison-Los Angeles County (LAC), Facility 'D', excessive and unnecessary force was used on him by an unidentified Correctional Officer (***Incident Log# LAC-D05-18-07-0630***).

Notification of Allegation:

The initial notification of staff misconduct allegation was submitted by Inmate [REDACTED] with a 602 Inmate Appeal dated November 14, 2018 (***Appeal Log# LAC-D-18-05992***). Additionally, [REDACTED] made notification to the Prison Law Office (PLO) who subsequently assigned an inquiry to the LAC Investigative Service Unit (ISU).

Inmate Interview:

Interview with Inmate [REDACTED] (SATF-C-5 [REDACTED]):

On March 18, 2020, while assigned as California State Prison-Los Angeles County (LAC) Special Assignment Sergeant, I (Sgt. [REDACTED]) conducted a review of an interview with Inmate [REDACTED] in regards to the allegations of this inquiry. The recorded interview occurred on April 9, 2019, at Kern Valley State Prison (KVSP) and was conducted by LAC Lieutenant [REDACTED]. Inmate [REDACTED] alleges that excessive/unnecessary force was used against him by Facility 'D' Correctional staff on July 25, 2018 (LAC-D05-18-07-0630). [REDACTED] was voluntarily interviewed at KVSP and was asked a series of questions relevant to his allegations against LAC Correctional staff. [REDACTED] alleged that on July 25, 2018, while being placed into a cell in D5, a control booth officer closed his foot in between the cell door. The cell door was then opened and [REDACTED] was slammed on the floor, kicked in his face and his radio was broken. [REDACTED] further alleges that he was transported to Antelope Valley Hospital at which time he was not allowed to give a statement to medical staff. [REDACTED] stated that he believes that this incident is due to a prior lawsuit that he filed against Correctional staff at LAC in 2013. [REDACTED] stated that the incident on July 25, 2018, initiated when he was in the morning pill line in D3, when he was ordered by Officer [REDACTED] to turn down the volume of his radio.

March 23, 2020

Inquiry into allegations of staff misconduct by Inmate [REDACTED]

Page 3 of 8

[REDACTED] stated that he then told [REDACTED] that he will play his radio however he wants and that he can write him up if he has a problem. [REDACTED] stated that he was then placed in Administrative Segregation (Ad-Seg) for threatening staff. Once in D5, [REDACTED] stated that he was placed in cell D5-[REDACTED] which had no electricity. [REDACTED] stated that he was upset that his cell had no electricity and he broke the cell window with his cane. Due to breaking the window, [REDACTED] was to be moved to an alternate cell which led to the alleged use of force. [REDACTED] stated that he believes that force was used on him as retaliation because he had broken the cell window. [REDACTED] stated that as a result of the incident, he has lost all feeling in his right and left legs. In addition to this inquiry allegation, [REDACTED] stated that he has filed a lawsuit against the California Department of Corrections and Rehabilitation (CDCR) and that he is waiting for a court date to be set.

For a review of the interview refer to attachment #1

(Attachment 1. Interview of Inmate [REDACTED])

Document Review:

Electronic Records Management System (ERMS) review:

On March 17, 2020, I conducted an Electronic Records Management System (ERMS) file review of Inmate [REDACTED]'s case factors. During the review, I discovered that [REDACTED] did file an Inmate Appeal (602) requesting an investigation into Incident Log# LAC-D05-18-07-0630, alleging that staff misconduct occurred against him on July 25, 2018. [REDACTED] made claims of excessive/unnecessary use of force by California State Prison-Los Angeles County (LAC) Correctional staff.

Investigators Note: The two appeals submitted by [REDACTED] were both denied at the Second and Third Level review.

Appeal Log# LAC-D-18-05992, Third Level Review (TLR): (Attachment 2)

On March 18, 2020, I reviewed Inmate Appeal #LAC-D-18-05992, authored by Inmate [REDACTED]. The appeal was assigned to California Department of Corrections and Rehabilitation (CDCR) Appeals Examiner, Captain [REDACTED]. It should be noted that Inmate [REDACTED] requested an investigation relevant to Incident Log# LAC-D05-18-07-0630, as he alleges in his appeal that Correctional Officers utilized unnecessary/excessive force against him. [REDACTED] also requested monetary compensation due to the incident.

March 23, 2020

Inquiry into allegations of staff misconduct by Inmate [REDACTED]

Page 4 of 8

Based on the appeal findings, Captain D. Foston concluded the following:

The appellant requested that an investigation be conducted of all personnel involved in LAC incident Log# LAC-D05-18-07-0630. The Third Level of Review finds that the appellant's allegations were appropriately reviewed at the administrative level. Should staff's conduct be determined to not be in compliance with policy, the institution would take the appropriate course of action. Furthermore, it was determined that staff did not violate California Department of Corrections and Rehabilitation (CDCR) policy with respect to the issues raised by Inmate [REDACTED]. Lastly, it was determined the appellants request for monetary compensation is beyond the scope of the appeals process.

Appeal Log# LAC-D-18-04899, Second Level Review (SLR): (Attachment 3)

On March 18, 2020, I reviewed Inmate Appeal #LAC-D-18-04899, authored by Inmate [REDACTED]. The appeal was assigned to Correctional Counselor II (CCII) M. [REDACTED] Appeals Coordinator, for response. It should be noted that Inmate [REDACTED] requested that Rules Violation Report (RVR) Log# 5357847 dated July 25, 2018, for "Threatening Staff", be dismissed. [REDACTED] alleges that this RVR was issued out of retaliation and was fabricated.

Based on the appeal findings, Correctional Counselor II (CCII) [REDACTED] concluded the following:

The appellant alleges that Correctional Officers fabricated the RVR for "Threatening Staff", incident Log# LAC-D03-18-07-0629. During the course of the review, it was determined that staff did not violate California Department of Corrections and Rehabilitation (CDCR) policy with respect to the issues raised by Inmate [REDACTED]. Based on the review, it was determined that there was a discrepancy in the RVR hearing which resulted a reissue/rehear. There was no compelling evidence that staff misconduct occurred within the RVR to warrant any further investigation into the matter. The appeal was denied at the Second Level Review

Incident Log# LAC-D05-18-07-0630A1 (Attachment 4):

On, Wednesday, July 25, 2018, on the California State Prison-Los Angeles County (LAC) Facility 'D' Enhanced Outpatient Program (EOP) Housing Unit D5, Administrative Segregation (Ad-Seg), Correctional staff attempted to remove Inmate [REDACTED] from his assigned cell, D5-[REDACTED] as [REDACTED] damaged his in-cell window with his assigned Durable Medical Equipment (DME) cane. As a result, [REDACTED] was escorted by Correctional staff to D5-[REDACTED]. As staff attempted to close the cell door, [REDACTED] turned around to face the officers and intentionally stuck his leg through the threshold of the cell door in order to prevent

March 23, 2020

Inquiry into allegations of staff misconduct by Inmate [REDACTED]

Page 5 of 8

the door from being closed. Staff had the cell door fully opened by the Control Booth Officer at which time [REDACTED] forced his way out of the cell and lunged towards the escort Officers striking them in the chest area with his shoulder. The actions of [REDACTED] required the use of physical force to subdue the attack. [REDACTED] received an RVR for resisting staff resulting in a use of force.

CDCR 7219 Medical Report of Injury (Attachment 5):

During this inquiry, I discovered a CDCR 7219 dated July 25, 2018, authored by Licensed Psychiatric Technician (LPT) J. Jackson which notes that [REDACTED] was examined for any injuries associated with incident LAC-D05-18-07-0630A1. The 7219 noted that [REDACTED] had no noted injuries as a result of the incident. [REDACTED] did state that he had pain in his neck and lower back. When asked to give a brief statement as to the circumstances of the injury or unusual occurrence, [REDACTED] replied, ***"I can't feel my legs, they hit me in my face numerous times, I have pain to my neck and my back, stomped me on my back, hit me in the face 6 time and someone stepped on my head"*** to LPT J. Jackson.

Rules Violation Report (RVR) dated July 25, 2018 (Attachment 6):

On July 25, 2018, Correctional Officer [REDACTED] authored an RVR for Resisting Staff on Inmate [REDACTED]. On August 25, 2018, a disciplinary hearing was held at the California State Prison-Sacramento (SAC) in which [REDACTED] was found guilty of Resisting Staff.

Incident Log# LAC-D03-18-07-0629 (Attachment 7):

On, Wednesday, July 25, 2018, at approximately 0850 hours on the California State Prison-Los Angeles County (LAC) Facility 'D' Enhanced Outpatient Program (EOP) Housing Unit D3, Correctional staff were monitoring the inmate population within the morning medication line. While monitoring the medication line, Correctional Officer [REDACTED] overheard loud music being played from D3 Cell [REDACTED] assigned to Inmate [REDACTED]. Officer [REDACTED] went to the cell and observed that no inmates were inside of the cell. As he was looking into the cell, Inmate [REDACTED] stated to Officer [REDACTED] ***"That's my cell, what do you want motherfucker."*** [REDACTED] advised [REDACTED] that his conduct was not appropriate and to turn down the volume on his radio. [REDACTED] returned to his cell and once inside stated to Officer [REDACTED] ***"Fuck you, [REDACTED] I have five staff assaults, I don't give a fuck, as soon as I come out this cell, I'm going to stab your stupid ass, CDC don't run shit here, fuck you and I stay true to my word."*** As a result of his actions, Inmate [REDACTED] was placed in Administrative Segregation (Ad-Seg) for threatening staff.

March 23, 2020

Inquiry into allegations of staff misconduct by Inmate [REDACTED]

Page 6 of 8

CDCR 7219 Medical Report of Injury (Attachment 8):

During this inquiry, I discovered a CDCR 7219 dated July 25, 2018, authored by Licensed Psychiatric Technician (LPT) A. Dotson which notes that [REDACTED] was examined for any injuries associated with incident LAC-D03-18-07-0629. The 7219 noted that [REDACTED] had no noted injuries as a result of the incident. When asked to give a brief statement as to the circumstances of the injury or unusual occurrence, [REDACTED] replied, "I'm [REDACTED] from Pasadena Denver Lane Bloods, fuck the police", to LPT A. Dotson.

Rules Violation Report (RVR) dated July 25, 2018 (Attachment 9):

On July 25, 2018, Correctional Officer [REDACTED] authored an RVR for Threatening Staff to Inmate [REDACTED]. On August 24, 2018, a disciplinary hearing was held at the California State Prison-Sacramento (SAC) in which [REDACTED] was found guilty of Threatening Staff.

Institutional Executive Review Committee (IERC) Use of Force review relevant to LAC-D05-18-07-0630A1 (Attachment 10):

On March 20, 2020, I conducted a review on the LAC Institutional Executive Review Committee (IERC) Use of Force review relevant to LAC-D05-18-07-0630A1.

1. During the review of CDCR 3011 dated August 3, 2018, it was determined that staff's actions before, during and after the incident were in compliance with Departmental Use of Force policy.
2. During the review of CDCR 3012 dated August 21, 2018, it was determined that staff's actions prior, during and after the incident were in compliance with Departmental Use of Force policy.
3. During the review of CDCR Attachment C, Appeal Allegation Inquiry dated August 9, 2018, authored by Lieutenant [REDACTED] it was determined that [REDACTED] made a complaint utilizing information which he knew was false with the intent to do harm to the accused or defraud the State of California for monetary advantage. As part of the inquiry, Inmate [REDACTED] was interviewed as he was identified as a witness by [REDACTED]. During the interview, [REDACTED] stated ***"Those Officer's didn't do anything wrong. That guy (Inmate [REDACTED]) was acting a fool and throwing himself on the ground. The Officer's did what they had to do."***

March 23, 2020

Inquiry into allegations of staff misconduct by Inmate [REDACTED]

Page 7 of 8

4. During the review of CDCR 3014 dated July 29, 2018, it was determined that [REDACTED]'s allegations of excessive force were false, without merit and possibly motivated by his own ulterior motives. Additionally, Antelope Valley Hospital (AVH) medical staff determined that [REDACTED] did not sustain any injuries from the incident and that he suffered from arthritis. On July 26, 2018, Inmate [REDACTED] an inmate witness identified by [REDACTED] was interviewed. [REDACTED] stated that he was not present when the incident occurred and did not witness any excessive force.

CONCLUSION

Based on the information obtained during this inquiry which included an interview with Inmate [REDACTED] a review of incidents LAC-D05-18-07-0630 and LAC-D03-18-07-0629, a review of Lieutenant B. [REDACTED] Report of Findings CDCR 3014, a review of [REDACTED]'s appeal log# LAC-D-18-05992 and LAC-D-18-04899 as well as all associated case factors, I have concluded that the allegations of staff misconduct relevant to Allegation #97 and #98 have no merit and should be closed as Not-Sustained. This conclusion is based on the lack of corroborating witnesses and Inmate [REDACTED]'s own accounts which contradict his allegations of unnecessary/excessive force. During his interview with Lieutenant [REDACTED] admitted that he yelled obscenities at Correctional staff and broke his cell window which required him to be moved to an alternate cell. The inmate witness which [REDACTED] provided to be interviewed stated that the Officer's didn't do anything wrong and that [REDACTED] was just flopping around on the floor when staff attempted to re-house him in a new cell.

As staff were attempting to place [REDACTED] into a cell, he let his body fall to the ground claiming that he had no feeling in his legs. As a result of falling to the ground, Correctional staff had to lift [REDACTED] into a wheel chair in order to receive a medical evaluation. After receiving a medical evaluation, and due to his claims of having no feeling in his legs, [REDACTED] was transported to Antelope Valley Hospital (AVH) where he was admitted for evaluation for two days. After completion of the evaluation, AVH medical staff determined that [REDACTED] has arthritis from a pre-existing condition unrelated to Incident LAC-D05-18-07-0630. During a thorough review by the California State Prison-Los Angeles County (LAC) Institutional Executive Review Committee (IERC) Use of Force Committee, staff's actions were deemed appropriate and in compliance with departmental policy. Additionally, no evidence was obtained during this inquiry to support the claims of Excessive/Unnecessary force made by [REDACTED]

Based on totality of the circumstances, the preponderance of evidence and the information reviewed during this inquiry, I find that the allegations and incident described herein lacks cause for further investigation.

March 23, 2020

Inquiry into allegations of staff misconduct by Inmate [REDACTED]

Page 8 of 8

RECOMMENDATION:

I recommend closure at this level of review based on my conclusion that the allegations and incident described herein lacks cause for further investigation and is **Not Sustained** at this time.

This concludes the Investigative Services Unit (ISU) interest in this matter; however, if additional information creates new probable cause, additional inquiries may be initiated.

This report is being submitted for your information and disposition. Should you have any questions or concerns please contact extension 5141.

[REDACTED]
Correctional Sergeant
California State Prison – Los Angeles County

Please Check Box

☒ Concur with ISU Recommendation	☐ Disagree with ISU Recommendation
☐ Request Additional Information	☐ Prepare CDCR 989
Comments:	

R.C. Johnson

R.C. JOHNSON

Warden

California State Prison – Los Angeles County

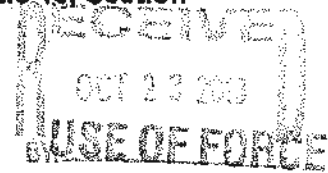
3/25/2020

DATE

EXHIBIT J

Attachment C

**CONFIDENTIAL SUPPLEMENT TO APPEAL
"APPEAL/ALLEGATION INQUIRY"**
**DO NOT COPY OR DISTRIBUTE EXCEPT PURSUANT TO CCR Title 15, Section
3084.9(i)(3)(B)1.**



Date: August 9, 2018

Appeal Log Number: LAC-D-18-03959

Inmate/Parolee Name: [REDACTED]

CDC Number: [REDACTED]

Assigned Reviewer: [REDACTED] CORRECTIONAL LIEUTENANT

Date and place of interview: August 9, 2018

Accused Staff Member(s):

[REDACTED] Correctional Officer
[REDACTED] Correctional Officer
[REDACTED] Correctional Officer
[REDACTED] Correctional Officer

Synopsis of Allegation:

The Appellant alleges Correctional Officers (C/O) [REDACTED] denied him his durable medical equipment in his cell while housed in D5 EOP- ASU. The Appellant alleges C/O [REDACTED] confiscated his boom box due to it being altered. The Appellant further alleges on an escort back to his assigned cell, [REDACTED] hit him with his fist and he was slammed to the ground by C/O [REDACTED]. The Appellant alleges he was stomped and kicked by C/O's [REDACTED].

Witnesses:

On August 10, 2018, Correctional Lieutenant (Lt.), [REDACTED] interviewed the Appellant, in person, giving him the opportunity to provide any additional supporting information or documentation concerning this appeal. During the interview, the Appellant stated "I came to D5 for getting into an argument with [REDACTED] in building 3 about my radio. I was put in cell [REDACTED]. When I came, I was able to bring my legal work, radio and all my DME (cane, walker). Cell [REDACTED] had no outlets for my radio so I demanded to be moved. The Sergeant moved me to cell [REDACTED]. I was placed in waist restraints and as soon as I came out of the cell, [REDACTED] took my cane from me. I went to medical to get a 7219 then I was walked to [REDACTED] where [REDACTED] and [REDACTED] were all standing. Someone had moved my property from [REDACTED] to [REDACTED]. My legal work was inside [REDACTED]. [REDACTED] took my radio and said it was altered. When I was getting ready to enter [REDACTED] told me I was not able to take my walker or cane inside the cell with me. I started to enter the cell when the cell door closed on me pinching me inside the cell for about 45 seconds. The officers were talking crazy with me when I was stuck in the cell doorframe. The cell finally was opened and the next thing I knew was being stomped out and kicked. I ended up at Antelope Valley Hospital for 2 days."

I asked [REDACTED] if his boom box radio was ever returned to him. [REDACTED] replied yes he has it now. I asked [REDACTED] if [REDACTED] ever used any type of force on him and he replied no. [REDACTED] provided Inmate [REDACTED] FDB5- [REDACTED] and [REDACTED] FDB5- [REDACTED] as witnesses for this appeal.

Davis, LAC-D-18-03959
Page 2

Attachment C

On August 10, 2018, Correctional Lieutenant [REDACTED] interviewed Inmate [REDACTED] in person relative to the issues contained in this appeal. [REDACTED] stated "I saw the officer cleaning out cell [REDACTED] so I went to see who my new neighbor was. Two officers brought his property from cell [REDACTED] to [REDACTED]. I heard the officers talking about the radio and if he was supposed to have it. [REDACTED] was escorted over to the cell and [REDACTED] told him he was not able to keep his radio because it was altered. [REDACTED] said 'you're just mad because I broke out the window with my cane'. They put [REDACTED] in the cell and I heard [REDACTED] complaining that he was stuck in the door. They opened the cell door and the officers took him to the ground. He was laying down in the ground with an officer pushing his head against the ground. I heard [REDACTED] say, 'I got cuffs on and I can't feel my legs'. The Sergeant responded and [REDACTED] was taking away by medical."

On August 11, 2018, Correctional Lieutenant D. [REDACTED] interviewed Inmate [REDACTED] FDB5-[REDACTED] in person relative to the issues contained in this appeal. [REDACTED] stated "Those officers didn't do anything wrong. That guy was acting a fool and throwing himself on the ground. The officers did what they had to do."

On August 10, 2018, Lt. D. [REDACTED] interviewed Correctional Officer G. [REDACTED] regarding these allegations. [REDACTED] stated, he took the cane from [REDACTED] because he just used it to break out his cell window. [REDACTED] stated the cane was broken and sharp on one end. I asked [REDACTED] if he replaced [REDACTED]'s cane and he told me he was still in possession of his walker. I asked [REDACTED] if he ever pushed [REDACTED]. [REDACTED] stated no, when he responded [REDACTED] was already lying flat on his stomach.

On August 10, 2018, Lt. D. [REDACTED] interviewed Correctional Officer [REDACTED] regarding these allegations. [REDACTED] stated he was not involved in this incident and was in the back of the Mental Health Building when this occurred. I asked [REDACTED] if he ever stomped or kicked [REDACTED]. [REDACTED] replied no. I asked [REDACTED] if he used force or observed any force during this incident and he replied no.

On August 10, 2018, Lt. D. [REDACTED] interviewed Correctional Officer B. [REDACTED] regarding these allegations. [REDACTED] stated he confiscated his boom box because it was altered. [REDACTED] stated he put the boom box radio on the Ad-Seg Property Officers desk. [REDACTED] stated Officer [REDACTED] gave the boom box radio back to [REDACTED] a few days later. I asked [REDACTED] if he used any force during the incident. [REDACTED] stated he did not use any force during this incident.

On August 11, 2018, Lt. D. [REDACTED] interviewed Correctional Officer [REDACTED] regarding these allegations. [REDACTED] stated when he arrived to alarm; [REDACTED] was already on the ground. [REDACTED] stated he escorted [REDACTED] to the Treatment Triage Area (TTA). [REDACTED] stated [REDACTED] was later sent to an outside hospital. [REDACTED] stated he never hit or used any type of force on [REDACTED] during this incident. [REDACTED] further stated he was involved only as the escort officer to the TTA.

On August 11, 2018, Lt. D. [REDACTED] interviewed Correctional Officer [REDACTED] regarding these allegations. [REDACTED] stated [REDACTED] broke out his cell window so we moved him. [REDACTED] stated when he came out of the cell with the broken window, he was agitated and cussing at everyone. [REDACTED] further stated he was escorting [REDACTED] to [REDACTED] and when they arrived, [REDACTED] stuck his leg out between the cell door intentionally to get it wedged. [REDACTED] stated he ordered [REDACTED] to pull his leg out of the cell door and he claimed he couldn't because it was stuck. [REDACTED] stated when the door was opened to free [REDACTED] legs, he lunged at me. [REDACTED] stated he utilized physical force to stop [REDACTED] movement towards him and to stop his actions. [REDACTED] further stated after [REDACTED] was on the ground he didn't use any more force.

Davis, LAC-D-18-03959
Page 3

Attachment C

On August 10, 2018, Lt. [REDACTED] interviewed Correctional Officer [REDACTED] who is the Ad-Seg Property Officer regarding the allegations in this appeal. I asked [REDACTED] if gave Inmate [REDACTED] his radio back. [REDACTED] replied yes.

On September 13, 2018, Lt. [REDACTED] interviewed Correctional Officer [REDACTED] regarding the allegations in this appeal. [REDACTED] stated Inmate [REDACTED] intentionally got his leg stuck in the closing cell door preventing the cell door to fully close. [REDACTED] stated once the door was opened enough, [REDACTED] suddenly lunged towards me. [REDACTED] further stated he then immediately forced [REDACTED] to the ground. I asked [REDACTED] if he punched or kicked [REDACTED] during this incident. [REDACTED] replied no I only forced [REDACTED] to the ground. I asked [REDACTED] if observed any other staff use any type of force on [REDACTED] during this incident. [REDACTED] replied no and his primary focus was maintaining control of [REDACTED]

A Review of CDCR 837 log # LAC-D03-18-07-0629 reveals on Wednesday, July 25, 2018, Inmate [REDACTED] committed the act of Threatening a Peace Officer. No force was used during this incident and [REDACTED]'s CDCR 7219 Medical Report of Injury or Unusual Occurrence documented no injuries. Inmate [REDACTED] was subsequently rehoused into Administrative Segregation on Facility D Building 5 EOP-ASU.

A review of CDCR 837 log #LAC-D05-18-07-0630 reveals on Wednesday, July 25, 2018, who was assigned to Facility D Building 5 ASU-EOP, cell # [REDACTED] damaged his in-cell rear window with his durable medical equipment DME (cane) causing the window to shatter. As a result of the broken window, [REDACTED] was rehoused into D5 Cell # [REDACTED]. During the escort to cell [REDACTED] was yelling out obscenities towards staff. Upon his arrival to cell [REDACTED] complied with staff orders by stepping inside cell [REDACTED]. As the cell door was closing, [REDACTED] immediately turned around facing the cell door and intentionally stuck his leg out causing the cell door from fully closing. Correctional Officer [REDACTED] who were the escorting officers, ordered [REDACTED] to remove his leg from the cell door with negative results. The control booth officer was instructed to open the cell door to allow [REDACTED] to remove his foot from the door. As the door opened, [REDACTED] immediately forced his way out of the cell lunging towards the escorting officers. Officers [REDACTED] utilized physical force by forcing him to the ground. Officer [REDACTED] placed leg restraints on [REDACTED] was escorted to D5 medical where Licensed Psychiatric Technician noted on the 7219 Medical Report of Injury or Unusual Occurrence that there were no visible injuries to [REDACTED]. However, due to [REDACTED] claiming he had pain in his neck and back area, he was transported to the Treatment Triage Area for further evaluation. [REDACTED] was subsequently sent to an outside hospital for precautionary measures due to him complaining about pain in his neck and back area.

Correctional Officers [REDACTED] utilized force during this incident.

Correctional Lieutenant [REDACTED] and Correctional [REDACTED] conducted a videotaped interview of [REDACTED] following the incident due to allegations of staff misconduct by [REDACTED]

On July 26, 2018, Correctional Lieutenant [REDACTED] prepared a report of findings form 3013 and 3104.

Findings:

Lt. [REDACTED] was assigned to review this appeal at the Second Level of Review. The First Level of Review was bypassed per CCR 3084.7(b). All submitted documentation and supporting

Davis, LAC-D-18-03959
Page 4

Attachment C

arguments have been considered. Additionally, a thorough examination has been conducted regarding this claim presented by the Appellant and evaluated in accordance with California State Prison-Los Angeles County.

Operational Procedures, CCR Title 15, 3005 (B) Conduct, and Title 15, 3391 Employee Conduct.

Based on the information presented, there is no evidence or facts to support any of these allegations of misconduct by a staff member. The allegations have been thoroughly reviewed and determined that no further investigation is required. Further review of this matter will not provide additional information to overturn this decision.

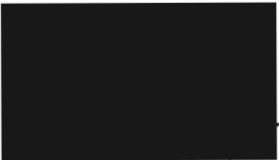
All staff personnel matters are confidential in nature and the Appellant will only be notified whether the actions of the staff were or were not in compliance with policy

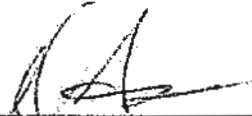
Conclusion:

This appeal is PARTIALLY GRANTED at the Second Level, in that a review of the allegations presented in the complaint has been completed. However, there is no evidence to any alleged staff misconduct. There is no compelling evidence indicating any staff misconduct occurred and there is insufficient evidence to warrant any further investigation into this matter. Staff did not violate policy and appears to remain in compliance with policy, procedure, and training. The conclusion is based on a review of the California Code of Regulations Title 15 and Department Operations Manual (DOM).

A thorough review of the allegations presented in this appeal has been completed. The allegations have been thoroughly reviewed and determined that no further investigation is required.

If it is determined that the complaint is based upon information the inmate/parolee knew was false and the inmate/parolee made the false allegations with the intent to do harm to the accused or defraud the state for monetary advantage, the interviewer will recommend disciplinary action.



Correctional Lieutenant
California State Prison- Los Angeles County

DEBBIE ASUNSION
Warden
California State Prison- Los Angeles County.

EXHIBIT K

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT

PART C - STAFF REPORT

CDCR 837-C (REV. 10/15)

INCIDENT LOG NUMBER

Page 1 of 1

LAC-DO5-18-07-0630

NAME: LAST		FIRST		MI	DATE OF INCIDENT	TIME OF INCIDENT																																			
				NMI	07/25/2018	1307																																			
POST #	POSITION	YEARS OF SERVICE	DATE OF REPORT	LOCATION OF INCIDENT																																					
242110	D5-ESCR#10	YRS. 0 MO. 3	07/05/2018	FDB5 CELL																																					
RDO'S	DUTY HOURS	DESCRIPTION OF CRIME / INCIDENT			CCR SECTION / RULE																																				
S/S	0600-1400	RESISTING PEACE OFFICER RESULTING IN THE USE OF FORCE			3005 (d) (1)																																				
YOUR ROLE: ☒ Primary ☐ Responder ☐ Witness ☐ Camera ☐ Victim ☐ Other: ☐ N/A																																									
WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER) INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESSES)																																									
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(S)																																									
FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / NON-CONVENTIONAL FORCE																																									
☒ Physical: HANDS	Lethal Weapons:	Warning:	Effect:	Less Lethal Weapons:	# Effect:	Chemical Agent:																																			
☐ Hand-Held Baton	☐ Mini-14			☐ 37 mm		☐ OC																																			
☐ X-10 BRD w/o OC	☐ .38 Cal			☐ 40 mm		☐ CN																																			
☐ X-10 BRD w/ OC	☐ .40 Cal			☐ L8		☐ CS																																			
	☐ 9 mm			☐ 40 mm Multi																																					
	☐ Shotgun			☐ HFWRS																																					
☐ Non-Conventional or Force Not Listed Above:																																									
FORCE OBSERVED BY YOU	☒ N/A ☐ Physical ☐ Hand-Held Baton ☐ Chemical Agent ☐ X-10 ☐ Less Lethal ☐ Lethal ☐ Non-Conventional																																								
EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION		EVIDENCE DISPOSITION		BIO HAZARD	PPE																																			
☐ Yes					☐ Yes	☐ Yes																																			
☒ No	☒ N/A		☒ N/A		☒ No	☒ No																																			
REPORTING STAFF INJURED	DESCRIPTION OF INJURY		LOCATION TREATED (HOSPITAL/CLINIC)		FLUID EXPOSURE	SCIF 3301/3067 COMPLETED																																			
☐ YES					☐ BODILY	☐ YES																																			
☒ NO	☒ N/A		☒ N/A		☒ N/A	☒ NO																																			

NARRATIVE

On July 25, 2018, at approximately 1307 hours while assigned to D5 Escort 10, Correctional Officer [REDACTED] were instructed by Correctional Sergeant [REDACTED] to move Inmate [REDACTED] (FDB5- [REDACTED]) from cell FDB5 cell [REDACTED] to his new assigned cell FDB5 [REDACTED] due to him using his cane, and breaking the back of his cell window. As we arrived to [REDACTED] cell, [REDACTED] shouted "I ain't even supposed to be in this mother fucker and in this bullshit cell". Officer [REDACTED] tried to council [REDACTED] by advising him he would be going into a brand new cell. [REDACTED] answered "that's right I knew you mother fuckers would move me". Officer [REDACTED] gave [REDACTED] a direct order to submit to restraints, at which time he complied. Officer [REDACTED] instructed the control booth officer to open cell [REDACTED] and [REDACTED] backed out of his cell. Officer [REDACTED] maintained control of [REDACTED] by placing his right hand on his left bicep and I maintained control of [REDACTED] by placing my left hand on his right bicep and proceeded with the escort to cell [REDACTED]. Officer [REDACTED] instructed the control booth officer to open cell [REDACTED] as the cell door opened [REDACTED] entered the cell. Once [REDACTED] was inside the cell Office [REDACTED] instructed the control booth officer to close the cell door. While the cell door began to close [REDACTED] without warning suddenly turned around facing towards us and intentionally stuck his left leg outside the cell door preventing the cell door from being closed shut. Officer [REDACTED] gave [REDACTED] a direct order to move his leg from the cell door so the door could be fully secured. [REDACTED] stated, "I can't its jammed mother

☒ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1:

SIGNATURE OF REPORTING STAFF	TITLE	BADGE # / ID#	DATE
[REDACTED]	CORRECTIONAL OFFICER	91819 / 2165251	07/25/2018
VIEWER (PRINT / SIGNATURE)	DATE RECEIVED	CLARIFICATION NEEDED	APPROVED
[REDACTED]	07/25/2018	☐ YES ☒ NO	☒ YES ☐ NO
			DATE
			07/25/2018

DISTRIBUTION: Original Incident Package Copy: Reporting Employee Copy: Reviewing Supervisor

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT

PART C1 - SUPPLEMENT

CDCR 837-C1 (REV. 10/15)

PAGE 2 OF 2

INCIDENT LOG NUMBER

LAC-D05-18-07-0630

NAME: LAST

FIRST

MI

NMI

TYPE OF INFORMATION:



CONTINUATION OF REPORT



CLARIFICATION OF REPORT



ADDITIONAL INFORMATION

fucker". I then instructed the control booth officer to open the cell door, as the cell door was opened enough [REDACTED] yelled "you mother fuckers don't know who your fucking with", at which time [REDACTED] suddenly lunged at us and forced himself out of the cell door. I utilized physical force to stop the immediate threat, by placing my left hand on his right bicep and my right hand on his upper right shoulder area and forced [REDACTED] down to the ground. I maintained full control of [REDACTED]'s right upper shoulder area. Due to my primary focus being on maintaining control of [REDACTED] I was unable to see the force used by my partner Officer [REDACTED]. As responding staff arrived I relinquished custody of [REDACTED] to Officer A. [REDACTED]. This concludes my involvement in this incident.

☐ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

SIGNATURE OF REPORTING STAFF

TITLE

BADGE # / ID#

DATE

Correctional Officer

91819 / 2165251

07/25/2018

SIGNATURE OF REVIEWER (PRINT / SIGNATURE)

DATE RECEIVED

CLARIFICATION NEEDED

APPROVED

DATE

07/25/2018

☐ YES ☒ NO☒ YES ☐ NO

07/25/2018

DISTRIBUTION: Original: Incident Package Copy: Reporting Employee Copy: Reviewing Supervisor

EXHIBIT L

State of California

Department of Corrections and Rehabilitation

Memorandum

Date: October 29, 2018

To: Inmate [REDACTED] CDCR# [REDACTED]
 Facility D, Building 5, Cell [REDACTED]
 California State Prison, Los Angeles County

Subject: SECOND LEVEL APPEAL RESPONSE LOG NUMBER LAC-D-18-04899

ISSUE:

The appellant is submitting this appeal relative to CDC Form 115, Rules Violation Report (RVR) log# 5357847 dated July 25, 2018, for "Threatening Staff".

Appellant states he never seen the Senior Hearing Officer (SHO) and was Out to Court (OTC) on the day of the disciplinary hearing and did not know the hearing was being held. Appellant states the RVR was fabricated and issued out of retaliation.

Appellant requests that RVR log# 5357847 be dismissed. Appellant request the phony hearing is investigated.

REGULATIONS: The rules governing this issue are:

CCR 3315	Serious Rule Violations
CCR 3320	Hearing Procedures and Time Limitations
CCR 3005	Conduct

SUMMARY OF INQUIRY:

[REDACTED] Correctional Counselor II, (CCII) Appeals Coordinator was assigned to review this appeal at the Second Level of Review. The First Level of Review was bypassed per CCR 3084.7(b). All submitted documentation and supporting arguments have been considered. Additionally, a thorough examination has been conducted regarding the claim presented by the appellant and evaluated in accordance with California State Prison-Los Angeles County (LAC) Operational Procedures (OP); the California Code of Regulations (CCR); and the Departmental Operations Manual (DOM).

The assigned Appeals Coordinator reviewed the appeal, the RVR, the Strategic Offenders Management System (SOMS), the Electronic Records Management System (ERMS) and the issues contained therein.

INMATE [REDACTED] CDCR# [REDACTED]
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PAGE 2 OF 3

The appellant was interviewed on October 26, 2018, by M. [REDACTED], Correctional Counselor II, and given the opportunity to present additional information. The appellant had no new additional information to add.

A review of the RVR indicates that appellant was charged with CCR, Title 15, Section 3005(d)(1), for the specific act of "Threatening Staff". The charge was classified as a Division "E" offense. The discovery date of the RVR was July 25, 2018. Appellant received his copy of the RVR on July 31, 2018, which was within fifteen (15) days of the discovery.

The appellant is a participant in the Mental Health Services Delivery System (MHSDS) at the Enhanced Outpatient (EOP) Level of Care. A Mental Health Assessment Request (CDCR 115MH) was submitted to Mental Health Services. Mental Health Services conducted a non-confidential interview with the appellant and formed the opinion the appellant's mental disorder did not appear to be a contributing factor in the actions that led to the RVR. Mental Health Services noted there are no mental health factors the SHO should consider in assessing a penalty, if the appellant was found guilty of the charge.

On August 24, 2018, the SHO held a disciplinary hearing for the purpose of adjudicating this RVR. The SHO notes the appellant refused to attend the hearing. An Informational Chrono was generated documenting the refusal to attend the hearing. A Not Guilty plea was entered in absentia by the SHO. The hearing was held within thirty (30) days from the date the appellant received his copy of the RVR. Other time constraints related to the RVR were met; all copies of evidence were issued at least 24 hours prior to the hearing.

A Staff Assistant (SA) was assigned by the SHO in accordance with CCR, Title 15, Section 3315(d)(2)(A). The appellant is a participant in the MHSDS at the EOP level of care. Officer J. Price was assigned as a SA for the appellant. The SA was present at the hearing.

The SHO notes the appellant waived the assignment of an Investigative Employee and refused to sign page 3 of 4 of the RVR. The SHO finds that available information is sufficient and no further investigation is necessary.

Appellant did not request any witnesses to be present during the hearing on page 3 of 4 of the RVR. The SHO notes in the disciplinary hearing results that the appellant did not request any witnesses for the hearing.

INMATE [REDACTED] CDCR# [REDACTED]

LAC-D-18-04899

PAGE 3 OF 3

This matter was referred to the Los Angeles County District Attorney's Office for possible felony prosecution. On July 31, 2018, the SHO notes the appellant was not requesting the postponement of his hearing pending the outcome of the DA referral and refused to sign.

The SHO found the appellant guilty of the offense and assessed 60 days credit loss forfeiture consistent with a Division "E" offense. This finding was based upon evidence which included the Reporting Employee's Report.

The Second Level of Review (SLR) identified a discrepancy concerning the disciplinary hearing. The appellant states he was OTC on the date of the disciplinary hearing and was unaware the hearing was held. The SHO notes the appellant refused to sign the General Chrono (CDC 128-B) noting his refusal. A review of SOMS reflects the appellant did go OTC on August 24, 2018, which gives merit to his claim.

Appellant requests that RVR log# 5357847 be dismissed. Appellant request the phony hearing is investigated.

DECISION: The appeal is denied.

Based on the above information, the appellant's request is denied.

CDO MEMORANDUM REQUIRED: RVR log# 5357847 for "Threatening Staff" will be referred to the Chief Disciplinary Officer (CDO) for Review. The CDO shall order RVR log# 5357847 reissued and reheard based on the discrepancy concerning the disciplinary hearing. The CDO will void the disposition of privilege restrictions.



DON ULSTAD

Chief Deputy Warden (A)

California State Prison-Los Angeles County

EXHIBIT M

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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JOHN ARMSTRONG, et al.,

Plaintiffs,

v.

GAVIN NEWSOM, et al.,

Defendants.

Case No. C94 2307 CW

EXHIBITS D, M, N, UU, ZZ AND AAA
TO THE REPLY DECLARATION OF
ELDON VAIL IN SUPPORT OF
PLAINTIFFS' MOTION TO STOP
DEFENDANTS FROM ASSAULTING,
ABUSING AND RETALIATING
AGAINST PEOPLE WITH
DISABILITIES

Judge: Hon. Claudia Wilken
Date: October 6, 2020
Time: 2:30 p.m.
Crtrm.: Remote

Case No. C94 2307 CW

Manual Filing Notification

Regarding: Exhibit D, M, N, UU, ZZ, AAA to the Reply Declaration of Eldon Vail

This filing is in paper or physical form only, and is being maintained in the case file in the Clerk's office. If you are a participant in this case, this filing will be served in hard-copy shortly. For information on retrieving this filing directly from the court, please see the court's main web site at <http://www.cand.uscourts.gov> under Frequently Asked Questions (FAQ).

This filing was not e-filed for the following reason(s):

1. ☐ Unable to Scan Documents
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3. ☒ Non-Graphic/Text Computer File (audio, video, etc.) on CD or other media
4. ☐ Item Under Seal in Criminal Case
5. ☐ Conformance with the Judicial Conference Privacy Policy (General Order 53)
6. ☒ Other (please describe): **Exhibits D, M, N, UU, ZZ, and AAA are also being filed under seal**

DATED: September 25, 2020

Respectfully submitted,

ROSEN BIEN GALVAN & GRUNFELD LLP

By: /s/ Gay Crosthwait Grunfeld

Gay Crosthwait Grunfeld

Attorneys for Plaintiffs

EXHIBIT N

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DATED: September 25, 2020

Respectfully submitted,

ROSEN BIEN GALVAN & GRUNFELD LLP

By: /s/ Gay Crosthwait Grunfeld

Gay Crosthwait Grunfeld

Attorneys for Plaintiffs

EXHIBIT O

Attachment C

**CONFIDENTIAL SUPPLEMENT TO APPEAL
"APPEAL/ALLEGATION INQUIRY"**

DO NOT COPY OR DISTRIBUTE EXCEPT PURSUANT TO CCR Title 15, Section 3084.9(i)(3)(B)1.

Date: December 17, 2019

Appeal Log Number: LAC-B-19-05905

Inmate/Parolee Name: [REDACTED]

CDC Number: [REDACTED]

Assigned Reviewer: [REDACTED] Correctional Lieutenant

Date and place of interview: November 25, 2019, CSP-LAC Facility D

Accused Staff Member(s): Officer [REDACTED]

Synopsis of Allegation:

The Appellant alleges on November 9, 2019, Officer [REDACTED] utilized unnecessary force on him. The Appellant alleges Officer [REDACTED] threw him on the ground and hit him in the face multiple times.

Witnesses:

The Appellant did not identify inmate witnesses to his allegations. The following staff was interviewed in regards to the Appellant's allegations: Correctional Officers [REDACTED] F. [REDACTED]. Inmate [REDACTED] (FBB1-[REDACTED]) was interviewed in regards to the Appellant's allegations.

Findings:

M. [REDACTED] Correctional Lieutenant (Lt.), was assigned to review this appeal at the Second Level of Review. The First Level of Review was bypassed per California Code of Regulations (CCR), Title 15, Section 3084.7(b). All submitted documentation and supporting arguments have been considered.

On November 25, 2019 Lt. M. [REDACTED] conducted an interview with the Appellant to afford him an opportunity to fully explain his appeal, the Appellant agreed to participate in the interview. During the interview, the Appellant made statements already contained within the appeal. The Appellant stated there were no inmate witnesses to his allegations due to the location of the incident. The Appellant stated the incident occurred in the rotunda area of housing unit B1. During the interview the Appellant admitted to have resisted staff during the incident. The Appellant stated specifically: *"They said I resisted. Maybe I did, but they didn't have to take me down."*

On December 13, 2019, Lt. M. [REDACTED] conducted an interview with Officer B. [REDACTED] in regards to the Appellant's allegations. During the interview, Officer [REDACTED] stated he utilized physical force on the Appellant on November 9, 2019, due to the Appellant's active physical resistance. Officer [REDACTED] confirmed having utilized physical force on the Appellant to take

Inmate [REDACTED]
LAC-B-19-05905
Page 2

Attachment C

him to the ground. Officer [REDACTED] stated he documented his direct involvement and force utilized on a CDCR 837 Crime/ Incident Report Part C. Officer [REDACTED] stated he did not strike the Appellant in his facial area.

On December 13, 2019, Lt. M. [REDACTED] conducted an interview with Officer F. [REDACTED] in regards to the Appellant's allegations. Officer [REDACTED] was identified for interview as he is documented as a responding staff member during the incident in question. During the interview, Officer [REDACTED] stated he utilized physical force on the Appellant on November 9, 2019, due to the Appellant's active physical resistance. Officer [REDACTED] stated he documented his direct involvement and force utilized on a CDCR 837 Crime/ Incident Report Part C. Officer [REDACTED] stated Officer [REDACTED] did not strike the Appellant in the facial area during the incident.

On December 13, 2019, Lt. M. [REDACTED] conducted an interview with Officer J. [REDACTED] in regards to the Appellant's allegations. Officer [REDACTED] was identified for interview as he is documented as a responding staff member during the incident in question. During the interview, Officer [REDACTED] stated he did not witness Officer [REDACTED] strike the Appellant in the facial area.

On December 16, 2019, Lt. M. [REDACTED] conducted an interview with Inmate [REDACTED] (FBB1-[REDACTED]). Inmate [REDACTED] was identified as a potential witness to the Appellant's allegations due to the location of the incident and [REDACTED]'s direct view into the rotunda of housing unit B1. During the interview, [REDACTED] stated he did not witness the incident in question and would not be able to provide any information.

Lt. M. [REDACTED] conducted a review of CDCR Crime/ Incident Report number LAC-B01-19-11-0999. The aforementioned report documents the Appellant committing the act of Resisting a Peace Officer in the Performance of their Duties Resulting in the Use of Force. In review of all reports relative to the incident, it is apparent staff's actions prior, during, and after the use of force were in compliance with the current department use of force policy, procedures, and training. The relationship between the need for force and the amount of force used was commensurate with what the use of force policy deems as appropriate and reasonable. Lt. M. [REDACTED] conducted a review of the CDCR 7219 Report of Injury or Unusual Occurrence completed on the Appellant on the date of the incident. The CDCR 7219 notes injuries consistent with staff reports.

Lt. M. [REDACTED] conducted a review of CDCR 3014 Report of Findings (ROF) completed as a result of the Appellant's allegations. The ROF notes the Appellant's documented injuries were consistent with the Appellant's actions of moving his head from side to side on the floor as he resisted.

On December 4, 2019, incident number LAC-B01-19-11-0999 in relevance to incident in question, was reviewed by the Institutional Executive Review Committee (IERC). The results of

Inmate [REDACTED]
LAC-B-19-05905
Page 3

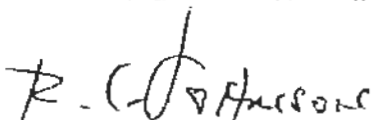
Attachment C

the IERC review indicate staff did not violate policy in regards to the incident. The IERC closed the incident noting no further action warranted.

Conclusion:

Based on the above information, the appeal is GRANTED IN PART, as a review of the allegations presented in the complaint has been conducted at the Institutional level. Based on the review of the attached Appeal and interviews, it was determined, staff did not violate policy. The Appellant failed to provide evidence indicating staff utilized unnecessary force on the date in question. Information gathered through interviews and documentation gathered relevant to the incident indicates force was utilized on the Appellant in accordance with CCR Title 15, Section 3268.

Thorough reviews of the allegations presented in this appeal have been completed. It is determined staff did not violate CDCR policy with respect to the issues raised. No further administrative action recommended.


R.C. JOHNSON

Warden
California State Prison-Los Angeles County

EXHIBIT P

Filed Under Seal

EXHIBIT Q


**CALIFORNIA DEPARTMENT of
Corrections and Rehabilitation**

RULES VIOLATION REPORT

CDC NUMBER [REDACTED]	INMATE'S NAME [REDACTED]	EPRD 11/02/2031	FACILITY KVSP-Facility C	HOUSING LOCATION KVSP-C - C 008 1 - [REDACTED]
VIOLATION DATE 08/27/2019	VIOLATION TIME 08:15:00	VIOLATION LOCATION KVSP-Facility C - RVR - YARD		WITH STG NEXUS No

Did the reporting employee ensure the inmate understands (to the best of his/her ability) the consequences of the continued misconduct? N/A

Did the reporting employee take into consideration the severity of the inmate's disability and the need for adaptive support services when determining the method of discipline? N/A

CIRCUMSTANCES OF VIOLATION

On Tuesday, August 27, 2019, at approximately 0815 hours, while assigned as C8 EOP Escort Officer #2 (post# 234182), I was exiting C - Housing Unit #8 and observed Inmate [REDACTED] (FCB8-[REDACTED]) and Inmate [REDACTED] (FCB8-[REDACTED]), in an altercation with Inmate [REDACTED] (FCB8-[REDACTED]). I observed Inmate's [REDACTED] and [REDACTED] striking each other in the head, face and upper torso area with their fists. They were between the pull up bars and fire hydrant in front of C Dining hall #4. I ordered all three Inmates to get down, announced via institutional radio, "Code 1, Charlie upper yard, 2 on 1." I gave multiple orders to get down with negative effect, Inmate's [REDACTED] and [REDACTED] continued to fight with Inmate [REDACTED] striking each other in the head and torso with their fists. Once responding staff arrived Inmate [REDACTED] prone out on his stomach, Inmates [REDACTED] and [REDACTED] moved east towards the mental health building, still refusing direct orders to get down. I utilized my MK 9 OC pepper spray (streamer) and sprayed both Inmate [REDACTED] and [REDACTED] in the facial area with (1) 5 second burst from approximately 8 feet away striking both Inmate [REDACTED] and [REDACTED] in the facial area. The OC spray was effective, both Inmates [REDACTED] and [REDACTED] prone out on their stomachs. I placed mechanical restraints (handcuffs) on Inmate [REDACTED] escorted him to Building 8 C-section shower, and searched it for contraband with negative results and Inmate [REDACTED] decontaminated utilizing cool running water. I searched C8 Holding Cell #2 with negative results, performed an unclothed body search with negative results, placed Inmate [REDACTED] into Holding Cell #2, and initiated a holding cell log. Inmate's [REDACTED] and [REDACTED] are all participant in the Mental Health Services Delivery System (MHSDS) at the Enhanced Outpatient Program (EOP) level of care. Due to Inmate [REDACTED] designation, I provided Inmate [REDACTED] effective communication in the form of slow, simple English during my interaction with him. This concludes my involvement with this report. PERNR # [REDACTED]

REPORTING EMPLOYEE [REDACTED]	TITLE C/O	ASSIGNMENT C8 EOP Escort #2	RDO S/S/H	DATE: 08/27/2019

RVR LOG NUMBER: 000000006896264

VIOLATED RULE NUMBER: 3005(d)(1)

SPECIFIC ACT: Fighting

CLASSIFICATION

LEVEL: Serious

OFFENSE DIVISION: Division D

REFERRED TO: Senior Hearing Officer

FELONY PROSECUTION LIKELY: No

REVIEWING SUPERVISOR [REDACTED]	TITLE Sgt.	DATE 08/27/2019

CLASSIFIED BY [REDACTED]	TITLE Captain	DATE 08/27/2019

CDCR SOMS ISST120 - RULES VIOLATION REPORT

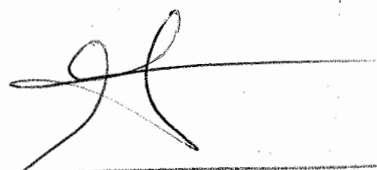


CALIFORNIA DEPARTMENT of
Corrections and Rehabilitation

RULES VIOLATION REPORT

CDC NUMBER [REDACTED]	INMATE'S NAME [REDACTED]	EPRD 11/02/2031	FACILITY KVSP-Facility C	HOUSING LOCATION KVSP-C - C 008 1 - [REDACTED]
VIOLATION DATE 08/27/2019	VIOLATION TIME 08:15:00	VIOLATION LOCATION KVSP-Facility C - RVR - YARD		

INMATE NOTIFICATION			
POSTPONEMENT OF DISCIPLINARY HEARING			
☐ I DO NOT REQUEST my hearing be postponed pending outcome of referral for prosecution.		INMATE SIGNATURE	DATE
☒ I REQUEST my hearing be postponed pending outcome of referral for prosecution.		INMATE SIGNATURE	DATE
☐ I REVOKE my request for postponement.		INMATE SIGNATURE	DATE
STAFF ASSISTANT			
☒ REQUESTED ☐ WAIVED BY INMATE		INMATE SIGNATURE EOP	DATE
DNMC INVESTIGATIVE EMPLOYEE			
☐ REQUESTED ☐ WAIVED BY INMATE		INMATE SIGNATURE	DATE

X 
 witnesses 4/10

SUMMARY OF DISCIPLINARY PROCEDURES AND INMATE RIGHTS

See California Code of Regulations, Title 15 (CCR) for details

A. TIME CONSTRAINTS -

1. A classified copy of the Rules Violation Report and any additional/supplemental information containing any elements of the violation charged shall normally be provided to the inmate within 15 days from the date the information leading to the charges is discovered by staff.
2. The charges shall be heard within 30 days from the date the inmate is provided a classified copy of the Rules Violation Report unless the charges were referred for possible prosecution and the inmate has been granted a request for postponement of the disciplinary proceedings pending the outcome of the referral, if exceptional circumstances exist pursuant to CCR Section 3000, or the inmate is transferred out of the custody of the department. Postponement shall not bar any credit forfeiture.
3. **REFERRAL FOR PROSECUTION - (Serious Rules Violations Only)** - Referrals for prosecution will not delay a disciplinary hearing unless you submit a request in writing for postponement of the hearing pending the outcome of such referral. You may revoke such request in writing at any time prior to the filing of accusatory pleadings by the prosecuting authority. A disciplinary hearing will be held within 30 days of staff receiving your written revocation of your request to postpone the hearing or within 30 days of receiving a response from the prosecuting authority. (CCR Section 3316-3320)
4. Failure to meet the time constraints outlined in CCR Section 3320 shall preclude forfeiture of credits.

B. INVESTIGATIVE EMPLOYEE/STAFF ASSISTANCE -

1. General Information - You may request to have an Investigative Employee to assist in the investigation and/or a Staff Assistant assigned, to assist in the preparation, or presentation of your defense at the disciplinary hearing. Staff shall evaluate your request along with the criteria outlined in CCR Section 3315 (d)(1) and CCR Section 3315(d)(2) and determine if an Investigative Employee and/or Staff Assistant shall be assigned.
2. Staff Assistant - If assigned, the Staff Assistant will inform inmates of their rights and of the disciplinary hearing procedures, advise and assist in the inmate's preparation for a disciplinary hearing, represent the inmate's position at the hearing, ensure that the inmate's position is understood, and that the inmate understands the decisions reached. (CCR Section 3318)
3. Investigative Employee - **(Serious Rules Violations Only)** - If assigned, will gather information, question staff and inmates, screen witnesses, and complete and submit a written, non-confidential report to the disciplinary hearing officer. You have the right to receive a copy of the investigative employee's report 24 hours before a hearing is held. (CCR Section 3318)
4. Witnesses - **(Serious Rules Violations Only)** - You may request the presence of witnesses at the hearing who can present facts related to the charges against you. You may also request the presence of the reporting employee and the investigative employee. You may, under the direction of the hearing officer, question any witness present at the hearing. The hearing officer may deny the presence of witnesses when specific reasons exist. (CCR Section 3315)
5. Personal Appearance - A hearing of the charges will not normally be held without your presence, unless you refuse to attend. (CCR Section 3320)

C. DISPOSITION - At the end of the hearing, you will be advised of the findings and disposition of the charge. Within five working days, following review of the Rules Violation Report by the Chief Disciplinary Officer, you will be given a copy of the completed rule violation report, which will contain a statement of the findings and disposition and the evidence relied upon to support the conclusions reached. (CCR Section 3320)

D. APPEAL - If you are dissatisfied with the process, findings or disposition, you may submit an inmate appeal within 30 days following receipt of the finalized copy of the Rules Violation Report and any other pertinent documentation (CCR Section 3084)



CALIFORNIA DEPARTMENT of
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DISCIPLINARY HEARING RESULTS

Institution Name: Kern Valley State Prison Facility: KVSP-Facility C Log Number: 000000006896264
 Inmate Name: [REDACTED] CDC #: [REDACTED] Bed Number: KVSP-C - C 008 1 [REDACTED]
 TABE Score: 06.3 MH LOC: EOP DDP Status: NCF

DUE PROCESS

Rule Violation #: 3005(d)(1) Specific Act: Fighting
 Level: Serious Offense Division: Division D
 Offense Occurrence: 1st Occurrence
 Violation Date: 08/27/2019 Violation Time: 08:15:00
 Hearing Date: 09/17/2019 Hearing Time: 10:20:00
 Did a laboratory confirm the evidence tested positive for Controlled substances?: N/A

Actions Taken				
Date	Time	Type/Reason	Staff	Elapsed Days
08/27/2019	14:18:02	RVR Ready for Review by Supv.	[REDACTED]	0
08/27/2019	15:28:17	RVR Ready for Review by Supv.		0
08/27/2019	15:40:10	RVR Approved by Supervisor		0
08/27/2019	15:49:36	RVR Classified		0
08/27/2019	15:49:37	MH Assessment Requested		0
08/28/2019	12:27:27	Notice of Pending Charges Sent to Rcds.		1
09/05/2019	07:39:29	MH Assessment Received		9
09/05/2019	12:27:41	Inmate Copy Served Initial Rules Violation Report; Incident Report; Medical Evaluation Report; MH Assessment Report		9
09/05/2019	12:29:25	SA Assigned		9
09/12/2019	19:44:56	SA Inmate Interaction		16

09/18/2019	09:45:27	SA Unassigned		22
09/18/2019	09:45:38	SA Assigned		22
09/18/2019	09:45:40	Inmate Copy Served Other		22
09/18/2019	09:46:56	IE Objected to by Inmate		22
09/18/2019	11:50:24	SA Inmate Interaction		22

All Time Constraints Met?: Yes

SHO/HO DDP Certified?: Yes

Due Process Additional Information:

HEARING

- ☒ Subject elected not to participate in the adjudication process by refusing to attend the hearing. An Informational Chrono was generated documenting the refusal to attend the hearing.
- ☒ Subject was Present, in good health and ready to proceed.

Hearing Additional Information

DISABILITY

☐ Hearing ☐ Vision ☐ Mobility ☐ Learning ☐ Developmental/Cognitive
☐ Other ☒ None

Requires Accommodation? No

DDP Specific Information

128-C2 Reviewed? Yes

Current DDP Status Date:
04/13/2017

Did the Reporting Employee document the use of Adaptation Support(s)? N/A

Adaptive Support	Contribute	How	

Victimization	Contribute	How	

Disability Additional Information:

MENTAL HEALTH ASSESSMENT

Mental Health Assessment Requested: Yes

Reason for Mental Health Assessment Request: MH LOC EOP or higher

Clinical Staff Recommended Staff Assistance Assignment: N/A

Clinical Staff determined Mental Health Symptoms strongly influenced behavior and recommended alternate documentation: No

Clinical Staff determined Developmental Disability strongly influenced behavior and recommended alternate documentation: No

Clinical Staff determined Mental Health Symptoms contributed to behavior: Yes

Clinical Staff determined Developmental Disability contributed to behavior: No

Clinical Staff provided information when assessing the penalties: Yes

STAFF ASSISTANT

Staff Assistant Assigned: Yes

Reason for assignment of Staff Assistant: MH LOC EOP or higher;MH LOC EOP or higher

SA Name	Date Assigned	Certified?	Meet 24 hours prior to hearing?	Present?	
A. Garcia	09/18/2019	Yes	Yes	Yes	

Staff Assistant Additional Information:**INVESTIGATIVE EMPLOYEE**

Investigative Employee Assigned: No

Reason for assignment of Investigative Employee:

Investigative Employee Additional Information:**CONFIDENTIAL INFORMATION**

Confidential Information Used: No

Confidential Document Number	Author of Confidential Document	Date of Confidential Document	Reviewed by SHO/HO	Deemed Confidential	Reason(s) Information was Deemed Confidential	
					☐ Information which, if known to inmates, would endanger the safety of person(s). ☐ Information which, if known to inmates, would jeopardize the security of the institution. ☐ Specific medical or Psychological information which, if known to inmates,	

would be medically or psychologically detrimental to the inmate.

☐ Information provided and classified confidential by another governmental agency.

☐ A Security Threat Group debrief report, reviewed and approved by the debriefing subject, for placement in the confidential section of the central file.

Confidential Document Number	Confidential Source Number	Confidential Disclosure Form Issued	Sufficient Information Disclosed	Reason(s) Deemed Reliable
				☐ The confidential source has previously provided information which has proved to be true. ☐ Other confidential sources have independently provided the same information. ☐ The information provided by the confidential source is self-incriminating. ☐ Part of the information provided by the confidential source is corroborated through investigation or by information provided by non-confidential sources. ☐ The confidential source is the victim. ☐ This source successfully completed a polygraph examination.

Confidential Additional Information:

WITNESSES

Witnesses requested at Hearing

☐ Reporting Employee

☐ Staff Assistant

☐ Investigative Employee

☐ Other

☐ Inmate

☒ None

Non-Inmate Witness(es)

Name	Rank	Type	Granted?
Questions Asked			

Inmate Witness(es)				
CDC#	Name	Bed	Granted?	
Questions Asked				
Witness Additional Information:				

PLEA AND STATEMENT

PLEA/STATEMENT: The above circumstances were read aloud to subject and elected to plea: Inmate Refused
to attend hearing. No plea entered.

☐ Subject declined to make a statement

☐ Subject made a statement

Comments:

FINDINGS

Subject was found: **Guilty as Charged** based on a preponderance of evidence.

Lesser Included Charge:

Level: Offense Division:

Offense Occurrence:

Comments:

1. "S" was found Guilty based on the preponderance of evidence, specifically The SHO lends more weight to the Reporting Employees report which states; " On Tuesday, August 27, 2019, at approximately 0815 hours, while assigned as C8 EOP Escort Officer #2 (post# 234182), I was exiting C - Housing Unit #8 and observed Inmate [REDACTED] (FCB8-[REDACTED]) and Inmate [REDACTED] (FCB8-[REDACTED]), in an altercation with Inmate [REDACTED] (FCB8-[REDACTED]). I observed Inmate's [REDACTED] and [REDACTED] striking each other in the head, face and upper torso area with their fists. They were between the pull up bars and fire hydrant in front of C Dining hall #4. I ordered all three Inmates to get down, announced via institutional radio, "Code 1, Charlie upper yard, 2 on 1." I gave multiple orders to get down with negative effect, Inmate's [REDACTED] and [REDACTED] continued to fight with Inmate [REDACTED] striking each other in the head and torso with their fists. Once responding staff arrived Inmate [REDACTED] prone out on his stomach, Inmates [REDACTED] and [REDACTED] moved east towards the mental health building, still refusing direct orders to get down. I utilized my MK 9 OC pepper spray (streamer) and sprayed both Inmate [REDACTED] and [REDACTED] in the facial area with (1) 5 second burst from approximately 8 feet away striking both Inmate [REDACTED] and [REDACTED] in the facial area. The OC spray was effective, both Inmates [REDACTED] and [REDACTED] prone out on their stomachs." Then to "S" no plea and no statement.
2. Inmate [REDACTED] failed to attend the hearing or provide any evidence to refute the charge.
3. While Penal Code does make distinction between Attempted Battery and Assault CDCR essentially does not. By definition both Attempted Battery and Assault require: intent in the deliberate use of force or violence on the person of another. For both Attempted Battery and Assault if the Suspect perpetrated some act with the intent to use the deliberate use of force on another person and the Suspect was unsuccessful the correct charge would be Attempted Battery or Assault. If the Suspect was Successful in making contact ever so slight with the deliberate Use of Force the correct charge would be Battery, If a Deadly Weapon was used (DEADLY WEAPON is anything, organic or inorganic, reasonably capable of serious or lethal injury). And the suspect Successfully made contact with the Victim the correct charge would be "Battery with a Deadly Weapon" if no contact was made however, the attempt was made and the Present Ability exists the Correct Charge would be either "Attempted Battery with a Deadly Weapon" or Assault with a "Deadly Weapon". In summary, the elements for Battery, Attempted Battery or Assault are the same. Specifically:

The act must be intentional meaning deliberate not accidental to use Force and Violence against the person of another

The Present Ability exists. The difference is simply if the Suspect was successful in making contact or not. FIGHTING is a type of BATTERY. This offense is used whenever inmates were involved in a fight and this fight was more or less a mutual exchange of punches. This offense talks about the aggressor cannot be determined. This does not mean that staff does not know which inmate started the fight. Aggressor cannot be determined means one of the inmates was clearly a victim.

The burden of proof has been met.

There was no alternative information or evidence presented which would dissuade the SHO to a Not Guilty finding.

MENTAL HEALTH ASSESSMENT CONSIDERATION

(Documentation of opinions to be used for consideration by the hearing official and the reasoning shall be documented in this section.)

Comments:

According to the MHA, "Upon interview with Patient, review of recent mental health records and collateral information, there was evidence to suggest that a mental illness contributed to the behavior described in the RVR. Patient was triggered by a past traumatic event, which led to his behavior."

EVIDENCE

The following evidence was used to support the findings:

Comments:

1. The CDCR-115, authored by the Reporting Employee, which states, in part, "On Tuesday, August 27, 2019, at approximately 0815 hours, while assigned as C8 EOP Escort Officer #2 (post# 234182), I was exiting C - Housing Unit #8 and observed Inmate [REDACTED] (FCB8-[REDACTED]) and Inmate [REDACTED] (FCB8-[REDACTED]), in an altercation with Inmate [REDACTED] (FCB8-[REDACTED]). I observed Inmate's [REDACTED] and [REDACTED] striking each other in the head, face and upper torso area with their fists. They were between the pull up bars and fire hydrant in front of C Dining hall #4. I ordered all three Inmates to get down, announced via institutional radio, "Code 1, Charlie upper yard, 2 on 1." I gave multiple orders to get down with negative effect, Inmate's [REDACTED] and [REDACTED] continued to fight with Inmate [REDACTED] striking each other in the head and torso with their fists. Once responding staff arrived Inmate [REDACTED] prone out on his stomach, Inmates [REDACTED] and [REDACTED] moved east towards the mental health building, still refusing direct orders to get down. I utilized my MK 9 OC pepper spray (streamer) and sprayed both Inmate [REDACTED] and [REDACTED] in the facial area with (1) 5 second burst from approximately 8 feet away striking both Inmate [REDACTED] and [REDACTED] in the facial area. The OC spray was effective, both Inmates [REDACTED] and [REDACTED] prone out on their stomachs."

2. Inmate [REDACTED] failed to attend the hearing or provide any evidence to refute the charge.

3. Title 15 3005. Conduct.

(d) Force or Violence.

(1) Inmates shall not willfully commit or assist another person in the commission of an assault or battery to any person or persons, nor attempt or threaten the use of force or violence upon another person.

4. The SHO reviewed and considered the 837 Crime Incident Report in its entirety.

DISPOSITION

Sanction Type	Quantity	Mitigated	Interest of Justice	DDP	MH LOC	MH-A	Start Date	End Date
Credit Loss	90 Days	☐ No	☐	☐	☐	☐		

Confined to Quarters Days			☐	☐	☐	☐		
Confined to Quarters Weekends			☐	☐	☐	☐		
Disciplinary Detention			☐	☐	☐	☐		
Privilege Group C			☐	☐	☐	☐		
Loss of Pay								
Canteen Privileges			☐	☐	☐	☐		
Phone Privileges	0	☐ Yes	☐	☐	☐	☒		
Extra Duty			☐	☐	☐	☐		
Yard Recreation Privileges	10 Days	☐ No	☐	☐	☐	☐	09/17/2019	☐ 09/26/2019
Day Room Privileges			☐	☐	☐	☐		
Packages Privileges			☐	☐	☐	☐		
Property Restrictions	0	☐ Yes	☐	☐	☐	☒		
Visiting Privileges			☐	☐	☐	☐		
Contact Visiting Privileges			☐	☐	☐	☐		
Contact Visiting (Permanent Loss)								
Trust Account Hold								
Mandatory Drug Testing								

IEX Control Suit							

Counseled Regarding Misconduct: without reprimand

☐ Impose Suspended Sanctions☐ Reinstate Suspended Sanctions**Sanction Mitigation Additional Information:**

(Hearing officials are required to document whether a mitigation, based on a MH-A, is appropriate and the reasoning used to arrive at their decision.)

No property or phone restrictions were imposed as recommended in the MHA.

Comments:

Referred to Classification Committee ICC

For ☐ SHU Term Assessment ☒ Program Review ☐ Un-Assignment ☐ Substance Abuse Treatment**Disposition Additional Information:****ENEMY CONCERNS**

- ☐ Not Applicable
- ☒ Subject states he/she does not have Enemy or Safety Concerns.
- ☐ One or more of the inmates involved has stated there is lingering animosity towards one another. Therefore, the SHO has entered non-confidential separation alerts for the following inmates:
- ☐ Based on the totality of circumstances and/or information garnered by staff, the Hearing Official has determined an enemy situation exists and ensured the below non-confidential separation alerts were entered:

SECURITY THREAT GROUPSecurity Threat Group Nexus?: ☐ No**Security Threat Group Nexus Additional Information:****FINAL SECTION****Additional Information:**

The subject waived the right to attend the disciplinary hearing; therefore, the inmate was not advised of the right to appeal any portion of the hearing or the findings of the SHO. However, upon final audit by the Chief Disciplinary Officer, the inmate will receive the final copy of this RVR wherein the inmate will be advised of the above findings and disposition. The inmate will be further informed that if dissatisfied with the process, the findings, or the disposition, a CDC Form 602 Inmate Appeal Form, must be submitted within (30) thirty days following receipt of the finalized copy of any RVR.

CREDIT RESTORATION

- ☐ Subject was advised of his/her right to restoration of credits under CCR 3327, 3328, and 3329.
- ☐ Subject was advised Credit Forfeiture for a Division 'A', 'B' or 'C' offense will not be restored.
- ☒ At the conclusion of the hearing Subject was advised of the findings, disposition, and his/her right to appeal

per.CCR 3084.1.

Hearing Official

C. [REDACTED]

TITLE:
LieutenantDATE:
09/21/2019**FINDINGS (BY CDO)**Subject was found: Guilty as Charged based on a preponderance of evidence.

Lesser Included Charge:

Level:

Offense Division:

Offense Occurrence:

CDO Summary: Affirming The Hearing Results**Comments:****DISPOSITION (BY CDO)**

Sanction Type	Quantity	Mitigated	Interest of Justice	DDP	MH LOC	MH-A	Start Date	End Date
Credit Loss	90 Days	<u>No</u>	☐	☐	☐	☐		
Confined to Quarters Days			☐	☐	☐	☐		
Confined to Quarters Weekends			☐	☐	☐	☐		
Disciplinary Detention			☐	☐	☐	☐		
Privilege Group C			☐	☐	☐	☐		
Loss of Pay								
Canteen Privileges			☐	☐	☐	☐		
Phone Privileges	0	<u>Yes</u>	☐	☐	☐	☒		
Extra Duty			☐	☐	☐	☐		
Yard Recreation Privileges	10 Days	<u>No</u>	☐	☐	☐	☐	09/17/2019	09/26/2019

Day Room Privileges			☐	☐	☐	☐		
Packages Privileges			☐	☐	☐	☐		
Property Restrictions	0	☐ Yes	☐	☐	☐	☒		
Visiting Privileges			☐	☐	☐	☐		
Contact Visiting Privileges			☐	☐	☐	☐		
Contact Visiting (Permanent Loss)								
Trust Account Hold								
Mandatory Drug Testing								
IEX Control Suit								

☐ Impose Suspended Sanctions

☐ Reinstate Suspended Sanctions
Comments:

Chief Disciplinary Officer**Comments:**

S. Swaim

 TITLE:
Associate Warden

 DATE:
09/26/2019

CDCR SOMS ISST126 - DISCIPLINARY HEARING RESULTS

EXHIBIT R

**CONFIDENTIAL SUPPLEMENT TO APPEAL
"APPEAL INQUIRY"**

DO NOT COPY OR DISTRIBUTE EXCEPT PURSUANT TO CCR Title 15, Section 3084.9(i)(3)(B)1.

Date: October 23, 2019

Appeal Log Number: KVSP-O-19-03519

Inmate/Parolee Name: [REDACTED]

CDC Number: [REDACTED]

Assigned Reviewer: Name and Title J. [REDACTED] Correctional Lieutenant

Date and place of interview: On October 21, 2019, the appellant was interviewed telephonically as he is now housed at California State Prison, Los Angeles County (LAC).

Effective Communication:

A review of the Test of Adult Basic Education (TABE) reveals the appellant has a TABE score above a 4.0 Reading Grade Point Level. However the appellant is part of the Mental Health Services Delivery System at the Enhanced Out Patient level of care. Therefore, the appellant does require special accommodation to achieve effective communication. In order to achieve effective communication the appellant reiterated in his own words what was explained, provided appropriate substantive responses to questions, and asked appropriate questions regarding the information provided. The following accommodation was provided the appellant to ensure effective communication, simple English spoken slowly and clearly, and rephrased sentences.

Accused Staff Member(s):

K. [REDACTED] Correctional Officer

Synopsis of Allegation:

The appellant alleges August 27, 2019, following an incident on the Facility C upper yard, Officer [REDACTED] sprayed the appellant with O.C pepper Spray as he was handcuffed and in a prone position. The appellant is further alleging, when he asked Officer [REDACTED] why he sprayed him, Officer [REDACTED] said, "That's how we do things here. Welcome to Kern Valley."

Witnesses:

[REDACTED] Correctional Officer

[REDACTED] Correctional Officer

Inmate [REDACTED]

Inmate [REDACTED]

Inmate [REDACTED]

Findings:

Correctional Officer [REDACTED] Facility C Housing Unit 8 EOP Escort Officer 2:

Officer [REDACTED] was interviewed on October 22, 2019. I asked Officer [REDACTED] to explain the circumstances surrounding the allegations brought forth by the appellant. Officer [REDACTED]

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[REDACTED]
KVSP-O-19-03519

said on the day in question, he was coming out of housing unit 8 and saw the appellant, Inmate [REDACTED] and Inmate [REDACTED] fighting.

Officer [REDACTED] stated he ordered the inmates to get down, but they did not comply. Officer [REDACTED] indicated once responding staff arrived, Inmate [REDACTED] assumed a prone position, but the appellant and Inmate [REDACTED] refused orders to get down and moved towards the mental health building.

Officer [REDACTED] continued by saying, as a result of the two inmates refusing to get down, he used his MK9 O.C pepper Spray canister and deployed a single burst which struck both the appellant and Inmate [REDACTED]. Officer [REDACTED] said after the inmates were exposed to the pepper spray, they both assumed a prone position. Officer [REDACTED] said he placed handcuffs on Inmate [REDACTED] escorted him to housing unit 8 for decontamination and placed him in a holding cell. Officer [REDACTED] said that was the extent of his involvement in the incident.

I asked Officer [REDACTED] if he sprayed the appellant and Inmate [REDACTED] when they were handcuffed and in a prone position. Also, I asked Officer [REDACTED] when questioned as to why if he said, "That's how we do things here. Welcome to Kern Valley". Officer [REDACTED] adamantly denied doing or saying what is alleged.

Officer [REDACTED] had nothing further to add, and I had no further questions. Therefore, I concluded the interview.

Correctional Officer [REDACTED] Facility C Security Patrol Officer 2:

Officer [REDACTED] was interviewed on October 22, 2019. I asked Officer [REDACTED] to explain the circumstances surrounding the allegations brought forth by the appellant. Officer [REDACTED] said on the day in question, he responded to a code one on the upper yard. Officer [REDACTED] said when he arrived he saw the appellant and two other inmates in a prone position on the ground.

Officer [REDACTED] said he was instructed to escort the appellant to housing unit 8. Officer [REDACTED] said he secured the appellant in handcuffs and escorted him to housing unit 8 where he was decontaminated in the housing unit shower. Officer [REDACTED] added once the appellant was decontaminated he was secured in a holding cell. Officer [REDACTED] indicated that was the extent of his involvement in the incident.

I asked Officer [REDACTED] if he saw Officer [REDACTED] spray the appellant and Inmate [REDACTED] when they were handcuffed and in a prone position. I also asked Officer [REDACTED] if he heard Officer [REDACTED] say, "That's how we do things here. Welcome to Kern Valley". Officer [REDACTED] said he did not see or hear anything like that happen and added when he arrived the appellant and Inmate [REDACTED] were not in handcuffs.

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Officer [REDACTED] had nothing further to add, and I had no further questions. Therefore, I concluded the interview.

Correctional Officer [REDACTED] Facility C Observation 2 Officer:

I chose to interview Officer [REDACTED] due to the fact he was assigned as the Facility C Observation 2 officer and may have seen what is alleged. Officer [REDACTED] was interviewed on October 22, 2019.

I asked Officer [REDACTED] if he remembered an incident involving the appellant and two other inmates on the upper yard. Officer [REDACTED] indicated he did. I asked Officer [REDACTED] to explain the circumstances of the incident. Officer [REDACTED] said on the day in question he was monitoring the morning E.O.P. yard when he heard a two on one fight announced on the institutional radio. Officer [REDACTED] said he glanced over the yard and saw the appellant and two other inmates fighting on the yard in front of dining hall 4.

Officer [REDACTED] added he gave the inmates on the yard orders to get down, but the appellant and the two other inmates continued to fight each other. Officer [REDACTED] said he turned his attention away from the incident in order to open the yard pedestrian gate for responding staff. Officer [REDACTED] said when he focused back on the incident sight, the three inmates were in a prone position on the ground. Officer [REDACTED] went on to say, the inmates were handcuffed and escorted off of the yard without incident.

I asked Officer [REDACTED] if he sprayed the appellant and Inmate [REDACTED] when they were handcuffed and in a prone position. Also, I asked Officer [REDACTED] when questioned as to why if he said, "That's how we do things here. Welcome to Kern Valley". Officer [REDACTED] said he did not see or hear what is alleged and added he did not see any application of force during the incident.

Officer [REDACTED] had nothing further to add, and I had no further questions. Therefore, I concluded the interview.

Inmate [REDACTED] FCB8-[REDACTED]:

I chose to interview Inmate [REDACTED] due to the fact he was involved in the altercation with the appellant and may have seen what is alleged. I attempted to interview Inmate [REDACTED] on October 21, 2019. However, he refused to participate in said interview.

Inmate [REDACTED] FCB8-[REDACTED]:

I chose to interview Inmate [REDACTED] because the appellant identified him as a potential witness. Inmate [REDACTED] was interviewed on October 22, 2019.

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I asked Inmate [REDACTED] to go back to August 26, 2019, and if he remembered an incident involving the appellant, Inmate [REDACTED] and Inmate [REDACTED]. Inmate [REDACTED] said he did not recall an incident involving the above mentioned inmates and added he was most likely not on the yard on the day and time in question.

Inmate [REDACTED] had nothing further to add, and I had no further questions. Therefore, I concluded the interview.

Inmate [REDACTED] FCB8-[REDACTED]:

I chose to interview Inmate [REDACTED] because the appellant identified him as a potential witness. Inmate [REDACTED] was interviewed on October 22, 2019.

I asked Inmate [REDACTED] to go back to August 26, 2019, and if he remembered an incident involving the appellant, Inmate [REDACTED] and Inmate [REDACTED]. Inmate [REDACTED] said he did remember the incident involving the appellant on the day in question. I asked Inmate [REDACTED] if at any time during the incident if he saw a staff member spray the appellant with O.C Pepper Spray when he was in the prone position. Inmate [REDACTED] said he did not see anything and had no information to offer.

Inmate [REDACTED] had nothing further to add, and I had no further questions. Therefore, I concluded the interview.

Inmate [REDACTED] FCB8-[REDACTED]

I chose to interview Inmate [REDACTED] because the appellant identified him as a potential witness. Inmate [REDACTED] was interviewed on October 22, 2019.

I asked Inmate [REDACTED] to go back to August 26, 2019, and if he remembered an incident involving the appellant, Inmate [REDACTED] and Inmate [REDACTED]. Inmate [REDACTED] said he remembered the incident and seeing six to seven officers rush the inmates who were already on the ground and started to punch the inmates and then sprayed them when they were on the ground.

I informed Inmate [REDACTED] the appellant was not alleging he was punched by any officers. It was then Inmate [REDACTED] changed his statement and said he saw staff being rough when they were restraining the appellant and added he saw maybe one or two officers spray the appellant and the other inmates with pepper spray when they were on the ground.

I asked Inmate [REDACTED] where he was positioned when he saw the incident take place. Inmate [REDACTED] said he was in front of the mental health building. I asked Inmate [REDACTED] where the inmates were when he saw what he is alleging. Inmate [REDACTED] said the inmates were on the field directly in front of housing unit seven. I asked Inmate [REDACTED] if he was sure the inmates were in front of housing unit 7 to which he replied he was. I

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asked Inmate [REDACTED] if he could identify who sprayed the inmates with pepper spray. Inmate [REDACTED] said he did not know who sprayed the inmates.

Inmate [REDACTED] had nothing further to add, and I had no further questions. Therefore, I concluded the interview.

It is evident Inmate [REDACTED] embellished his account of the incident by saying he saw staff members strike the appellant and then changed his story when advised the appellant did not make any such allegation. Furthermore, Inmate [REDACTED] identified the wrong location where the incident took place and where the appellant was sprayed with O.C Pepper Spray.

Also, Inmate [REDACTED] was interviewed on October 9, 2019 by Sergeant [REDACTED] following her video interview with the appellant. During said interview, Inmate [REDACTED] indicated he did remember the incident, but did not recall any specifics. When confronted with this, Inmate [REDACTED] did not have a reasonable explanation with regard to his contradictory statements. With that, it is logical to conclude Inmate [REDACTED] cannot be relied upon as a credible witness.

Conclusion:

On October 22, 2019, the appellant was interviewed telephonically as he is now housed at LAC. During the interview the appellant reiterated what was documented in his appeal. I asked the appellant if he had any witnesses. The appellant said the inmates in FCB8 cells [REDACTED] (Identified as [REDACTED] and [REDACTED] (Identified as [REDACTED]) and Inmate [REDACTED] saw what is alleged.

Now, the appellant is alleging on August 27, 2019, following an incident on the Facility C upper yard, Officer [REDACTED] sprayed the appellant with O.C pepper Spray as he was handcuffed and in a prone position. The appellant is further alleging, when he asked Officer [REDACTED] why he sprayed him, Officer [REDACTED] said, "That's how we do things here. Welcome to Kern Valley."

Officer [REDACTED] stated during his interview, he did not spray the appellant or Inmate [REDACTED] when they were in a prone position and indicated he did not say what is alleged.

Officer [REDACTED] said during his interview, he did not see or hear Officer [REDACTED] to what is alleged.

Officer [REDACTED] stated during his interview, he did not see any application of force and did not hear Officer [REDACTED] say what is alleged.

Inmate [REDACTED] said during his interview, he did not recall an incident involving the appellant and added he was most likely not on the yard on the day and time in question.

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Inmate [REDACTED] stated during his interview, he did not see anything and had no information to offer.

Inmate [REDACTED] was deemed to be a non-credible witness.

A review of the 7219 Medical Report of Injury of Unusual Occurrence which was completed on the appellant by Psychiatric Technician Lopez following the incident. The 7219 notes an abrasion or scratch to the right palm and chemical agent exposure to the front torso and back. The above mentioned is consistent with the force used and documented by Officer [REDACTED]

I reviewed the CDCR Form 3013 Inmate Interview Worksheet and the CDCR Form 3014 Report of Findings. Also, I watched the interview which was recorded on DVD. The 3014 which was authored by Sergeant [REDACTED] concluded there was no evidence to support the appellant's allegations. Therefore, no further action was recommended to which Captain (A) [REDACTED] and Associate Warden Swaim concurred.

It is clear Officer [REDACTED] used the minimal amount of force to gain compliance of a lawful order and to effect custody. With that, based on the information and evidence gathered; wrong doing cannot be established with regard to the appeal submitted by the appellant. The appellant's allegations against the accused staff member are just that, allegations. The allegations posed by the appellant cannot be proven and have no merit. There is no evidence to support the appellant's claims.

Print and sign below:

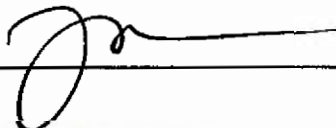
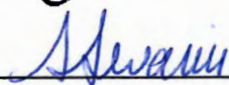
Name	Lt [REDACTED]	Sign		<u>10-23-19</u>
	Interviewer			Date
Name	J. Swaim	Sign		<u>10/23/19</u>
	Hiring Authority			Date

EXHIBIT S

CRIME / INCIDENT REPORT

PART C - STAFF REPORT

CDCR 837-C (Rev. 10/15)

PAGE 1 Of 2

INCIDENT LOG NUMBER
KVSP-FCY-19-08-0811

NAME: LAST [REDACTED]		FIRST [REDACTED]		MI NMI	DATE OF INCIDENT 8/27/2019	TIME OF INCIDENT 0815 HOURS
POST # 230371	POSITION C YARD SGT.	YEARS OF SERVICE 16YRS. 1MO.	DATE OF REPORT 8/27/2019		LOCATION OF INCIDENT FACILITY C UPPER YARD	
RDO'S S/M	DUTY HOURS 0600-1400	DESCRIPTION OF CRIME / INCIDENT Fighting Resulting in the Use of Force				CCR SECTION / RULE 3005 (d)(1) ☐ N/A

YOUR ROLE	WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)	INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)
☐ Primary	[REDACTED]	(S) [REDACTED]
☒ Responder	[REDACTED]	(S) [REDACTED]
☐ Witness	[REDACTED]	(S) [REDACTED]
☐ Camera	[REDACTED]	
☐ Victim	[REDACTED]	
☐ Other:		

FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / NON-CONVENTIONAL FORCE								
☐ Physical:	Lethal Weapons:	Warning:	Effect:	Less Lethal Weapons:	# Effect:	Chemical Agent:	Projector:	#Deployed:
☐ Hand-Held Baton	☐ Mini 14			☐ 37 mm		☐ OC		
☐ X-10 BRD w/o OC	☐ .38 Cal			☐ 40 mm		☐ CN		
☐ X-10 BRD w/ OC	☐ .40 Cal			☐ L8		☐ CS		
	☐ 9 mm			☐ 40 mm Multi				
	☐ Shotgun			☐ HFWRS				

☐ Non-Conventional or Force Not Listed Above:

FORCE OBSERVED BY YOU	☒ N/A ☐ Physical ☐ Hand-Held Baton ☐ Chemical Agent ☐ X-10 ☐ Less Lethal ☐ Lethal ☐ Non-Conventional							
EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION		EVIDENCE DISPOSITION			BIO HAZARD	PPE	
☐ YES						☐ YES	☐ YES	
☒ NO	☒ N/A		☒ N/A			☒ NO	☒ NO	
REPORTING STAFF INJURED	DESCRIPTION OF INJURY		LOCATION TREATED (HOSPITAL/CLINIC)		FLUID EXPOSURE		SCIF 3301/3067 COMPLETED	
☐ YES					☐ BODILY ☒ N/A		☐ YES	
☒ NO	☒ N/A		☒ N/A		☐ UNKNOWN		☒ NO	
					☐ Other:			

NARRATIVE: On Tuesday, August 27, 2019, at approximately 0815 hours, while performing my duties as Facility 'C' Yard Sergeant, I responded to a Code 1 via Institutional Radio on Facility 'C' Upper Yard. Upon my arrival to the incident site, I observed all inmates on the yard in a prone position. I was advised by Officer K. [REDACTED] that while monitoring EOP Therapeutic morning yard, he observed Inmates [REDACTED] (FCB8-[REDACTED]) and [REDACTED] (FCB8-[REDACTED]) fighting with Inmate [REDACTED] (FCB8-[REDACTED]). All three Inmates were striking each other in the upper torso and facial area with their fists on the yard. Officer [REDACTED] had announced code one via institutional radio and gave orders to "Get Down" with all inmates complying except for Inmates [REDACTED] and [REDACTED] who refused to get down. Officer [REDACTED] had utilized one (1) MK-9 OC Pepper Spray to quell the incident.

I instructed Officer [REDACTED] to handcuff and escort Inmate [REDACTED] to Facility C Medical for decontamination and a CDCR 7219 Medical Report of Injury or Unusual Occurrence. I instructed Officer [REDACTED] to handcuff and escort Inmate [REDACTED] to Facility C8 Holding cell for decontamination and a CDCR 7219 Medical Report of Injury or Unusual Occurrence. I instructed Officer [REDACTED] to handcuff and escort Inmate [REDACTED] to Facility C8 Holding cell for decontamination and a CDCR 7219 Medical Report of Injury or Unusual Occurrence.

☒ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

SIGNATURE OF REPORTING STAFF [REDACTED]	TITLE CORRECTIONAL SERGEANT	BADGE # / ID # 65722/2463284	DATE 8/27/2019
NAME AND TITLE OF REVIEWER (PRINT/SIGNATURE) [REDACTED]	DATE RECEIVED 8/27/19	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO
			DATE 8/27/19

DISTRIBUTION: Original: Incident Package Copy: Reporting Employee Copy: Reviewing Supervisor

VAIL 1

CRIME / INCIDENT REPORT

PART C1 - SUPPLEMENT

CDCR 837-C1 (Rev. 10/15)

PAGE 2 Of 2

INCIDENT LOG NUMBER
KVSP-FCY-19-08-0811

NAME: LAST

FIRST

MI
NMI

TYPE OF INFORMATION:

☒ CONTINUATION OF REPORT

☐ CLARIFICATION OF REPORT

☐ ADDITIONAL INFORMATION

NARRATIVE:

Once all involved inmates were off the yard, I notified Central Control via Institutional Radio that the Code 1 on Facility 'C' Upper yard was now Code 4. Inmates in the surrounding area were offered decontamination to which they refused. The one (1) MK-9 OC Pepper Spray utilized during the incident was replaced by Central Control and returned to the appropriate inventories.

Inmates [REDACTED] and [REDACTED] signed a Compatibility Chrono stating they have no safety/enemy concerns with each other and can co-exist on Facility C. All three were escorted back to their assigned housing without incident.

Inmate [REDACTED] and [REDACTED] and will be receiving a Rules Violation Report for "Fighting." This concludes my involvement in this incident. This concludes my involvement in this incident.

☐ CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL CDCR 837-C1.

SIGNATURE OF REPORTING STAFF

TITLE
CORRECTIONAL SERGEANT

BADGE # / ID #
65722/2463284

DATE
8/27/2019

NAME AND TITLE OF REVIEWER (PRINT/SIGNATURE)

DATE RECEIVED

CLARIFICATION NEEDED

APPROVED

DATE

☐ YES ☒ NO

☒ YES ☐ NO

8/27/19

CRIME / INCIDENT REPORT

PART C - STAFF REPORT

CDCR 837-C (Rev. 10/15)

PAGE 1 Of 1

INCIDENT LOG NUMBER

KVSP-FCY-19-08-0811

NAME- LAST [REDACTED]	FIRST [REDACTED]	MI M	DATE OF INCIDENT 8/27/2019	TIME OF INCIDENT 0815
POST # 232126	POSITION CHARLIE 8 FLOOR#2	YEARS OF SERVICE 3YRS. 3MO.	DATE OF REPORT 8/27/2019	LOCATION OF INCIDENT CHARLIE UPPER YARD
RDO'S T/F	DUTY HOURS 0600-1400	DESCRIPTION OF CRIME / INCIDENT Fighting, Resulting in the Use Of Force.		CCR SECTION / RULE 3005(d)(1) ☐ N/A

YOUR ROLE	WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)	INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)
☐ Primary	[REDACTED]	S- [REDACTED]
☒ Responder	[REDACTED]	S- [REDACTED]
☐ Witness		S- [REDACTED]
☐ Camera		
☐ Victim		
☐ Other:		

☒ N/A FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / NON-CONVENTIONAL FORCE

Physical:	Lethal Weapons:	Warning:	Effect:	Less Lethal Weapons:	# Effect:	Chemical Agent:	Projector:	#Deployed:
☐ Hand-Held Baton	☐ Mini 14			☐ 37 mm		☐ OC		
☐ X-10 BRD w/o OC	☐ .38 Cal			☐ 40 mm		☐ CN		
☐ X-10 BRD w/ OC	☐ .40 Cal			☐ L8		☐ CS		
	☐ 9 mm			☐ 40 mm Multi				
	☐ Shotgun			☐ HFWRS				

☐ Non-Conventional or Force Not Listed Above:

FORCE OBSERVED BY YOU	☒ N/A ☐ Physical ☐ Hand-Held Baton ☐ Chemical Agent ☐ X-10 ☐ Less Lethal ☐ Lethal ☐ Non-Conventional

EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION	EVIDENCE DISPOSITION	BIO HAZARD	PPE
☐ YES ☒ NO	☒ N/A	☒ N/A	☐ YES ☒ NO	☐ YES ☒ NO

REPORTING STAFF INJURED	DESCRIPTION OF INJURY	LOCATION TREATED (HOSPITAL/CLINIC)	FLUID EXPOSURE	SCIF 3301/3067 COMPLETED
☐ YES ☒ NO	☒ N/A	☒ N/A	☐ BODILY ☒ N/A ☐ UNKNOWN ☐ Other:	☐ YES ☒ NO

NARRATIVE:

On Tuesday August 27, 2019 at approximately 0815, I was working as Facility C Building 8 Floor staff #2. A Code 1 response on the Facility C Upper Yard was requested via Institutional Radio. I immediately responded to the incident area. Upon my arrival to the yard, I observed Inmates [REDACTED] (FCB8-[REDACTED]) and [REDACTED] (FCB8-[REDACTED]) and [REDACTED] (FCB8-[REDACTED]) on the ground in a prone position in front Charlie Building 8. I was instructed by Correctional Sergeant [REDACTED] to secure Inmate [REDACTED] in handcuffs and escort him to the Facility C Medical Clinic. When sufficient staff arrived, I approached Inmate [REDACTED] and secured him in handcuffs. I conducted a clothed body search on Inmate [REDACTED] with no contraband discovered. Upon completion of the clothed body search, I escorted Inmate [REDACTED] off of the upper yard to Facility C Medical Clinic. Upon my arrival to Facility C Medical Clinic, I notified the Facility C Medical staff that a medical evaluation and CDCR 7219 was needed to be completed on Inmate [REDACTED]. Prior to placing Inmate [REDACTED] in the Facility C Medical holding cell # [REDACTED], I conducted a search of the Facility C Medical Holding Cell # [REDACTED] with Negative results for contraband. I secured Inmate [REDACTED] in the Medical Holding Cell # [REDACTED]. Prior to placing Inmate [REDACTED] in the Facility C Medical holding cell # [REDACTED], I asked Inmate [REDACTED] if he would like to be decontaminated. To which Inmate [REDACTED] responded "I didn't get sprayed, I Don't need it". I maintained direct supervision of Inmate [REDACTED] until my partner Officer [REDACTED] came and performed an unclothed body search of Inmate [REDACTED]. After my partner performed an unclothed body search I started a holding cell log for Inmate [REDACTED]. This concludes my involvement in this incident.

☐ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

SIGNATURE OF REPORTING STAFF [REDACTED]	TITLE CORRECTIONAL OFFICER	BADGE # / ID # 89239/2467058	DATE 8/27/2019
(PRINT/SIGNATURE) [REDACTED]	DATE RECEIVED 8/27/19	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO
			DATE 8/27/19

DISTRIBUTION: Original: Incident Package Copy: Reporting Employee Copy: Reviewing Supervisor

VAIL 3

CRIME / INCIDENT REPORT

PART C - STAFF REPORT

CDCR 837-C (Rev. 10/15)

PAGE 1 Of 2INCIDENT LOG NUMBER
KVSP-FCY-19-08-0811

NAME- LAST [REDACTED]		FIRST [REDACTED]		MI L	DATE OF INCIDENT 8/27/2019	TIME OF INCIDENT 0815	
POST # 234182	POSITION C8 EOP ESCORT #2	YEARS OF SERVICE 17YRS. 9MO.	DATE OF REPORT 8/27/2019		LOCATION OF INCIDENT FACILITY C UPPER YARD		
RDO'S SSH	DUTY HOURS 0800-1600	DESCRIPTION OF CRIME / INCIDENT FIGHTING <i>w/uof</i>				CCR SECTION / RULE ☐ N/A 3005 (d) (1)	
YOUR ROLE		WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)		INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)			
☒ Primary				(S) [REDACTED]			
☐ Responder				(S) [REDACTED]			
☐ Witness				(S) [REDACTED]			
☐ Camera							
☐ Victim							
☐ Other:							
☒ N/A							
FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / NON-CONVENTIONAL FORCE							
☐ Physical:	Lethal Weapons:	Warning:	Effect:	Less Lethal Weapons:	# Effect:	Chemical Agent:	Projector:
☐ Hand-Held Baton	☐ Mini 14			☐ 37 mm		☐ OC	<i>mk9</i>
☐ X-10 BRD w/o OC	☐ .38 Cal			☐ 40 mm		☐ CN	<i>1</i>
☐ X-10 BRD w/ OC	☐ .40 Cal			☐ L8		☐ CS	
	☐ 9 mm			☐ 40 mm Multi			
	☐ Shotgun			☐ HFWS			
☐ Non-Conventional or Force Not Listed Above:							
FORCE OBSERVED BY YOU	☒ N/A ☐ Physical ☐ Hand-Held Baton ☒ Chemical Agent ☐ X-10 ☐ Less Lethal ☐ Lethal ☐ Non-Conventional						
EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION		EVIDENCE DISPOSITION			BIO HAZARD	PPE
☐ YES						☐ YES	☐ YES
☒ NO	☒ N/A		☒ N/A			☒ NO	☒ NO
REPORTING STAFF INJURED	DESCRIPTION OF INJURY		LOCATION TREATED (HOSPITAL/CLINIC)		FLUID EXPOSURE		SCIF 3301/3067 COMPLETED
☐ YES					☐ BODILY ☒ N/A		☐ YES
☒ NO	☒ N/A		☒ N/A		☐ UNKOWN		☒ NO
					☐ Other:		

NARRATIVE: On Tuesday, August 27, 2019, at approximately 0815 hours, while assigned as C8 EOP Escort Officer #2 (post# 234182), I was exiting C - Housing Unit #8 and observed Inmate [REDACTED] (FCB8-[REDACTED]) and Inmate [REDACTED] (FCB8-[REDACTED]), in an altercation with Inmate [REDACTED] (FCB8-[REDACTED]). I observed Inmate's [REDACTED] and [REDACTED] striking each other in the head, face and upper torso area with their fists. They were between the pull up bars and fire hydrant in front of C Dining hall #4. I ordered all three Inmates to get down, announced via institutional radio, "Code 1, Charlie upper yard, 2 on 1." I gave multiple orders to get down with negative effect, Inmate's [REDACTED] and [REDACTED] continued to fight with Inmate [REDACTED] striking each other in the head and torso with their fists. Once responding staff arrived Inmate [REDACTED] prone out on his stomach, Inmates [REDACTED] and [REDACTED] moved east towards the mental health building, still refusing direct orders to get down. I utilized my MK 9 OC pepper spray (streamer) and sprayed both Inmate [REDACTED] and [REDACTED] in the facial area with (1) 5 second burst from approximately 8 feet away striking both Inmate [REDACTED] and [REDACTED] in the facial area. The OC spray was effective, both Inmates [REDACTED] and [REDACTED] prone out on their stomachs. I placed mechanical restraints (handcuffs) on Inmate [REDACTED] I conducted a clothed body search then escorted Inmate [REDACTED] to Building 8 C-section shower, searched it for contraband with negative results then decontaminated Inmate [REDACTED] utilizing cool running water. I searched C8 Holding Cell # [REDACTED] with negative results, performed an unclothed body search with

☒ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

SIGNATURE OF REPORTING STAFF [REDACTED]	TITLE CORRECTIONAL OFFICER	BADGE # / ID # 63921 / 2463619	DATE 8/27/2019
(PRINT/SIGNATURE) [REDACTED]	DATE RECEIVED 8/27/19	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO
			DATE 8/27/19

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VAIL 4

CRIME / INCIDENT REPORT

PART C1 - SUPPLEMENT

CDCR 837-C1 (Rev. 10/15)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

PAGE 2 Of 2

INCIDENT LOG NUMBER
KVSP-FCY-19-08-0811

NAME: LAST

FIRST

MI
L

TYPE OF INFORMATION:

☒ CONTINUATION OF REPORT☐ CLARIFICATION OF REPORT☐ ADDITIONAL INFORMATION

NARRATIVE:

negative results, placed Inmate [REDACTED] into Holding Cell # [REDACTED] and initiated a holding cell log. Inmate's [REDACTED] and [REDACTED] are all participant in the Mental Health Services Delivery System (MHSDS) at the Enhanced Outpatient Program (EOP) level of care. Due to Inmate [REDACTED] designation, I provided Inmate [REDACTED] effective communication in the form of slow, simple English during my interaction with him. This concludes my involvement with this report. PERNR # [REDACTED]

☐ CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL CDCR 837-C1.

[REDACTED] (REPORTING OFFICER SIGNATURE)	TITLE CORRECTIONAL OFFICER	BADGE # / ID # 63921 / 2463619	DATE 8/27/2019
	DATE RECEIVED 8/27/19	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO
		DATE 8/27/19	

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VAIL 5

CRIME / INCIDENT REPORT**PART C2 - REVIEW NOTICE**

CDCR 837-C2 (Rev. 10/15)

PAGE **1** Of **1**INCIDENT LOG NUMBER
KVSP-FCY-19-08-0811

NAME: LAST

FIRST

MI
J

Your Report Concerning The Above Referenced Incident Has Been Reviewed And The Following Information Is Required:

- ☒ Prepare a CDCR 837-C1 Crime/Incident Report Part C1 - Supplement clarifying the issues listed below:
- ☐ Prepare a CDCR 837-C1 Crime/Incident Report Part C1 - Supplement providing additional information regarding the issues listed below:
- ☐ Prepare a CDCR 837-A1 Crime/Incident Report Part A1 - Supplement clarifying the issues listed below:
- ☐ Prepare a CDCR 837-A1 Crime/Incident Report Part A1 - Supplement amending the information regarding the issues listed below:

DUE BY: ASAPRETURN TO: D. [REDACTED] CAPTAIN**NARRATIVE:**

- 1) 837-C: Correctional Officer [REDACTED] offer Inmate [REDACTED] fresh clothing?

☐ CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL CDCR 837-C2

NAME OF REVIEWER (PRINT)

TITLE
CAPTAIN

REVIEWER SIGNATURE

DATE
9/3/2019

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VAIL 6

CRIME / INCIDENT REPORT

PART C1 - SUPPLEMENT

CDCR 837-C1 (Rev. 10/15)

PAGE 1 Of 1

INCIDENT LOG NUMBER
KVSP-FCY-19-08-0811

LAST

FIRST

MI
L

TYPE OF INFORMATION:

☐ CONTINUATION OF REPORT☒ CLARIFICATION OF REPORT☐ ADDITIONAL INFORMATION

NARRATIVE:

1. After conducting an unclothed body search and decontamination of chemical agents did you offer inmate fresh clothing?

I offered fresh clothing and inmate refused by stating "No, I'm good."

☐ CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL CDCR 837-C1

TITLE CORRECTIONAL OFFICER	BADGE # / ID # 63921/2463619	DATE 9/3/2019
DATE RECEIVED 9/3/2019	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO
DATE 9/3/2019		

DISTRIBUTION: Original: Incident Package Copy: Reporting Employee Copy: Reviewing Supervisor

VAIL 7

CRIME / INCIDENT REPORT

PART C - STAFF REPORT

CDCR 837-C (Rev. 10/15)

PAGE 1 Of 1

INCIDENT LOG NUMBER
KVSP-FCY-19-08-0811

NAME- LAST	FIRST	MI	DATE OF INCIDENT	TIME OF INCIDENT
		A	8/27/2019	0815

POST # 232002	POSITION C SEC PATOFFICER#2	YEARS OF SERVICE 18YRS. 01MO.	DATE OF REPORT 8/27/2019	LOCATION OF INCIDENT FACILITY C UPPER YARD

RDO'S S/S	DUTY HOURS 0600-1400	DESCRIPTION OF CRIME / INCIDENT Fighting Resulting in the Use of Force	CCR SECTION / RULE 3005 (d)(1)	☒ N/A

YOUR ROLE	WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)	INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)
☐ Primary		(S)
☒ Responder		(S)
☐ Witness		(S)
☐ Camera		
☐ Victim		
☐ Other:		

☒ N/A								
FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / NON-CONVENTIONAL FORCE								
☐ Physical:	Lethal Weapons:	Warning:	Effect:	Less Lethal Weapons:	# Effect:	Chemical Agent:	Projector:	#Deployed:
☐ Hand-Held Baton	☐ Mini 14			☐ 37 mm		☐ OC		
☐ X-10 BRD w/o OC	☐ .38 Cal			☐ 40 mm		☐ CN		
☐ X-10 BRD w/ OC	☐ .40 Cal			☐ L8		☐ CS		
	☐ 9 mm			☐ 40 mm Multi				
	☐ Shotgun			☐ HFWS				

☐ Non-Conventional or Force Not Listed Above:

FORCE OBSERVED BY YOU	☒ N/A ☐ Physical ☐ Hand-Held Baton ☐ Chemical Agent ☐ X-10 ☐ Less Lethal ☐ Lethal ☐ Non-Conventional

EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION	EVIDENCE DISPOSITION	BIO HAZARD	PPE
☐ YES			☐ YES	☐ YES
☒ NO	☒ N/A	☒ N/A	☒ NO	☒ NO

REPORTING STAFF INJURED	DESCRIPTION OF INJURY	LOCATION TREATED (HOSPITAL/CLINIC)	FLUID EXPOSURE	SCIF 3301/3067 COMPLETED
☐ YES			☐ BODILY ☒ N/A	☐ YES
☒ NO	☒ N/A	☒ N/A	☐ UNKNOWN	☒ NO
			☐ Other:	

NARRATIVE: On Tuesday, August 27, 2019, at approximately 0815 hours while I was assigned as facility C Security Patrol Officer #2, I responded to Code 1 alarm in Facility C, Upper Yard in front of Housing Unit 8. Upon my arrival I observed all the inmates in the prone position. The inmates involved in the incident were in the prone position with what appeared to be OC Spray on two of the inmates upper torso and facial area. Inmates were later identified as Inmate [REDACTED] C8-[REDACTED] Inmate [REDACTED] C8-[REDACTED] and inmate with no OC Spray Inmate [REDACTED] C8-[REDACTED]. I was instructed by Sergeant [REDACTED] to secure Inmate [REDACTED] in restraints and escort him to Facility C, Building 8. I secured Inmate [REDACTED] in handcuffs and conducted a clothed body search, with negative results for contraband. I began to escort Inmate [REDACTED] to C8 Building. I asked Inmate [REDACTED] if wanted decontamination and he stated "yes". Inmate [REDACTED] was escorted to B Section lower shower. I conducted a search of B section lower Shower, with negative results for contraband. I placed Inmate [REDACTED] in the shower and he was decontaminated with cool running water until satisfied. I resumed escort and escorted Inmate [REDACTED] to Facility C, Building 8, Holding Cell [REDACTED] where prior to me securing him in I searched the holding cell, with negative results for contraband. I then conducted an unclothed body search with negative results. I offered Inmate [REDACTED] clean clothing and he refused by stating "No." I started a holding cell log for inmate [REDACTED] at approximately 0825 hours. I informed medical staff that a Medical Evaluation (7219) was needed on Inmate [REDACTED]. I then was instructed by Sgt. [REDACTED] to conduct an unclothed body search on Inmate [REDACTED] in Medical Holding Cell [REDACTED]. I conducted an unclothed body search on Inmate [REDACTED] with negative results for contraband. This concludes my involvement in this incident.

☐ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

TITLE CORRECTIONAL OFFICER	BADGE # / ID # 63704/2464455	DATE 8/27/2019
(PRINT/SIGNATURE)	DATE RECEIVED 8/27/2019	CLARIFICATION NEEDED ☐ YES ☒ NO
	APPROVED ☒ YES ☐ NO	DATE 8/27/2019

Copy: Reporting Employee Copy: Reviewing Supervisor

VAIL 8

CRIME / INCIDENT REPORT

PART C - STAFF REPORT

CDCR 837-C (Rev. 10/15)

PAGE 1 Of 1

INCIDENT LOG NUMBER
KVSP-FCY-19-08-0811

NAME: LAST [REDACTED]		FIRST [REDACTED]		MI A	DATE OF INCIDENT 8/27/2019	TIME OF INCIDENT 0815 HOURS	
POST # 232018	POSITION C OBSERVATION #2	YEARS OF SERVICE 8YRS. 8MO.	DATE OF REPORT 8/27/2019		LOCATION OF INCIDENT FACILITY C UPPER YARD		
RDO'S TH/FR	DUTY HOURS 0600-1400	DESCRIPTION OF CRIME / INCIDENT Fighting Resulting in the Use of Force				CCR SECTION / RULE ☐ N/A 3005 (d) (1))	
YOUR ROLE		WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)		INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)			
☐ Primary				(S) [REDACTED]			
☐ Responder				(S) [REDACTED]			
☒ Witness				(S) [REDACTED]			
☐ Camera							
☐ Victim							
☐ Other:							
☒ N/A							
FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / NON-CONVENTIONAL FORCE							
☐ Physical:	Lethal Weapons:	Warning:	Effect:	Less Lethal Weapons:	# Effect:	Chemical Agent:	Projector:
☐ Hand-Held Baton	☐ Mini 14			☐ 37 mm		☐ OC	
☐ X-10 BRD w/o OC	☐ .38 Cal			☐ 40 mm		☐ CN	
☐ X-10 BRD w/ OC	☐ .40 Cal			☐ L8		☐ CS	
	☐ 9 mm			☐ 40 mm Multi			
	☐ Shotgun			☐ HFWRS			
☐ Non-Conventional or Force Not Listed Above:							
FORCE OBSERVED BY YOU	☒ N/A ☐ Physical ☐ Hand-Held Baton ☐ Chemical Agent ☐ X-10 ☐ Less Lethal ☐ Lethal ☐ Non-Conventional						
EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION		EVIDENCE DISPOSITION			BIO HAZARD	PPE
☐ YES						☐ YES	☐ YES
☒ NO	☒ N/A		☒ N/A			☒ NO	☒ NO
REPORTING STAFF INJURED	DESCRIPTION OF INJURY		LOCATION TREATED (HOSPITAL/CLINIC)		FLUID EXPOSURE		SCIF 3301/3067 COMPLETED
☐ YES					☐ BODILY ☒ N/A		☐ YES
☒ NO	☒ N/A		☒ N/A		☐ UNKNOWN		☒ NO
					☐ Other:		

NARRATIVE: On Tuesday, August 27, 2019, at approximately 0815 hours, while assigned as Facility C Observation #2, I was observing morning E.O.P. Therapeutic Yard, when I heard a Code 1, Facility C upper yard, a 2 on 1 fight, was announced via institutional radio. I scanned the entire yard, I saw Inmate [REDACTED] FCB8-[REDACTED] Inmate [REDACTED] FCB-[REDACTED] and Inmate [REDACTED] striking each other in the upper torso and facial area with their fist, in front of the pull up bars and fire hydrant in front of C Dining Hall #4. I gave a verbal direct order for all inmates to "Get Down," via the Public Announcement (P.A.), all inmates complied with my orders except for the three (3) combatants, as they continued to strike each other in the upper torso and facial area with their fist. I gave several more direct orders for the (3) combatants to "Get Down," via the Public Announcement (P.A.), with negative results, as they continued to strike each other in the upper torso and facial area with their fist. As I turned my attention away from the incident to open the yard gate for responding staff, I turned back to the incident all (3) combatants were separate from each other and in a prone position. Should be noted, I did not see any force being utilized. Responding staff secured all (3) combatants in handcuffs, the (3) combatants were removed from Facility C upper yard, as I maintained gun coverage. This concludes my involvement in this incident.

☐ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

TITLE CORRECTIONAL OFFICER		BADGE # / ID # 81718/2466102		DATE 8/27/2019	
DATE RECEIVED 8/27/19	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO		DATE 8/27/19	

g Employee Copy: Reviewing Supervisor

VAIL 9

EXHIBIT T

**CONFIDENTIAL SUPPLEMENT TO APPEAL
"APPEAL INQUIRY"**

DO NOT COPY OR DISTRIBUTE EXCEPT PURSUANT TO CCR Title 15, Section 3084.9(i)(3)(B)1.

Date: December 23, 2019

Appeal Log Number: KVSP-O-19-03685

Inmate/Parolee Name: [REDACTED]

CDC Number: [REDACTED]

Assigned Reviewer: Name and Title [REDACTED] Correctional Lieutenant

Date and place of interview: On November 4, 2019, the appellant was interviewed telephonically as he is now housed at California State Prison, Los Angeles County (LAC).

Effective Communication:

A review of the Test of Adult Basic Education (TABE) reveals the appellant has a TABE score above a 4.0 Reading Grade Point Level. However the appellant is part of the Mental Health Services Delivery System at the Enhanced Out Patient level of care. Therefore, the appellant does require special accommodation to achieve effective communication. In order to achieve effective communication the appellant reiterated in his own words what was explained, provided appropriate substantive responses to questions, and asked appropriate questions regarding the information provided. The following accommodation was provided the appellant to ensure effective communication, simple English spoken slowly and clearly, and rephrased sentences.

Accused Staff Member(s):

[REDACTED] Correctional Sergeant
[REDACTED] Correctional Sergeant
[REDACTED] Correctional Officer

During the appellant's interview he implicated Officer [REDACTED] as having slammed him on the housing unit 8 dayroom floor. I reviewed the duty roster for the day in question and was unable to find an Officer [REDACTED] who was assigned to C Facility.

Synopsis of Allegation:

The appellant alleges on September 16, 2019, he was slammed to the ground, punched and kicked by two officers while Sergeant [REDACTED] put two fingers in his throat preventing him from breathing.

Witnesses:

[REDACTED] Correctional Officer
[REDACTED] Correctional Officer
[REDACTED] Correctional Officer
Inmate [REDACTED]
Inmate [REDACTED]
Inmate [REDACTED]
Inmate [REDACTED]

Confidential Supplement To Appeal

Appeal Inquiry

KVSP-O-19-03685

Inmate [REDACTED]

Inmate [REDACTED]

Findings:

Correctional Sergeant [REDACTED] Facility C Program Sergeant 1:

As of the writing of this report, Sergeant [REDACTED] is no longer employed by the California Department of Corrections and Rehabilitation and was not interviewed for this inquiry. However, her 837-C Crime/Incident Report is included with this inquiry for review.

Correctional Sergeant [REDACTED] Facility C Program Sergeant 2:

Sergeant [REDACTED] was interviewed on December 16, 2019. I asked Sergeant [REDACTED] to explain the circumstances surrounding the allegations brought forth by the appellant. Sergeant [REDACTED] said on the day in question, he and Sergeant [REDACTED] escorted the appellant to housing unit 8 to return him to his cell.

Sergeant [REDACTED] said as they approached the appellant's cell he ordered the appellant to enter the cell. Sergeant [REDACTED] stated the appellant acted as if he was going to comply then said something to the effect of "Fuck you, I'm not staying in there," and then tried to strike Sergeant [REDACTED] with his elbow. Sergeant [REDACTED] indicated the appellant was then forced to the ground where he continued to resist.

Sergeant [REDACTED] went on to say, the appellant actively resisted he and Sergeant [REDACTED] as they attempted to restrain him in handcuffs. Sergeant [REDACTED] said the appellant was ultimately restrained in handcuffs and leg restraints at which time he stopped his resistive behavior.

I asked Sergeant [REDACTED] if he or any other staff member punched, kicked or put their fingers in the appellant's throat. Sergeant [REDACTED] stated the only force used was physical force and no staff members did what is alleged.

Sergeant [REDACTED] had nothing further to add, and I had no further questions. Therefore, I concluded the interview.

Correctional Officer [REDACTED] Facility C Security Patrol Officer 2:

Officer [REDACTED] was interviewed on December 23, 2019. I asked Officer [REDACTED] to explain the circumstances surrounding the allegations brought forth by the appellant. Officer [REDACTED] said on the day in question, he was on D Facility delivering re-route mail when he heard a code one announced on C Facility.

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Officer [REDACTED] said as he responded to the alarm from D Facility, he heard the incident was a battery on staff. Officer [REDACTED] added, when he arrived to the incident the appellant was being escorted out of the housing unit. Officer [REDACTED] said he went inside of the housing unit to see if all staff were ok and added that was the extent of his involvement.

I asked Officer [REDACTED] if he slammed the appellant on the day room floor in A Section of housing unit 8. Officer [REDACTED] denied doing what is alleged and added he had no part of the incident and had no interaction with the appellant.

Officer [REDACTED] had nothing further to add, and I had no further questions. Therefore, I concluded the interview.

Correctional Officer [REDACTED] Facility C Housing Unit 8 Floor Officer 2:

Officer [REDACTED] was interviewed on December 11, 2019. I asked Officer [REDACTED] to explain the circumstances surrounding the allegations brought forth by the appellant. Officer [REDACTED] said on the day in question, he and Officer [REDACTED] were monitoring the evening medication pass in c section of housing unit 8 when they heard an alarm from A section at which time he and Officer [REDACTED] responded.

Officer [REDACTED] said when they arrived in A section, he saw Sergeant [REDACTED] and Sergeant [REDACTED] struggling with the appellant who was on the floor of the dayroom. Officer [REDACTED] said he saw the appellant kicking his legs which resulted in Officer [REDACTED] holding down the appellant's legs as Officer [REDACTED] put on leg restraints. Officer [REDACTED] said once the legs restraints were applied, the appellant stopped his resistive actions and became compliant. Officer [REDACTED] said he and Officer [REDACTED] were instructed to escort the appellant to the program office holding cell area which they did without incident.

I asked Officer [REDACTED] if he saw any staff member punch, kick or put their fingers in the appellant's throat. Officer [REDACTED] indicated he did not see any staff member do what is alleged.

Officer [REDACTED] had nothing further to add, and I had no further questions. Therefore, I concluded the interview.

Correctional Officer [REDACTED] Facility C Housing Unit 8 Floor Officer 1:

Officer [REDACTED] was interviewed on December 12, 2019. I asked Officer [REDACTED] to explain the circumstances surrounding the allegations brought forth by the appellant. Officer [REDACTED] said on the day in question, he and Officer [REDACTED] were in C section monitoring the medication pass. Officer [REDACTED] added during said medication pass, he heard someone yell "Get down!" at which time an alarm was activated.

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Officer [REDACTED] said he and Officer [REDACTED] responded to A section and he saw the appellant in handcuffs on the dayroom floor while Sergeants [REDACTED] and [REDACTED] were attempting to control him. Officer [REDACTED] said he was instructed to retrieve a set of leg restraints. Officer [REDACTED] said once he retrieved the leg restraints, he applied them to the appellant who then stopped his resistive actions. Officer [REDACTED] said he and Officer [REDACTED] then escorted the appellant to the program office holding cell area.

I asked Officer [REDACTED] if he saw any staff member punch, kick or put their fingers in the appellant's throat. [REDACTED] said nothing like that happened during the incident.

Officer [REDACTED] had nothing further to add, and I had no further questions. Therefore, I concluded the interview.

Correctional Officer [REDACTED] Facility C Housing Unit 8 Control Booth Officer:

Officer [REDACTED] was interviewed on December 11, 2019. I asked Officer [REDACTED] to explain the circumstances surrounding the allegations brought forth by the appellant. Officer [REDACTED] said on the day in question, he saw Sergeant [REDACTED] and Sergeant [REDACTED] escort the appellant to cell [REDACTED].

Officer [REDACTED] stated, he opened cell [REDACTED] and saw Inmate [REDACTED] in the cell doorway at which time Inmate [REDACTED] was secured in the A section shower. Officer [REDACTED] added he saw the appellant step into the cell and begin to use obscenities at which time the appellant turned and tried to hit Sergeant [REDACTED] in the chest with his elbow.

Officer [REDACTED] continued with, he saw the appellant begin to kick backwards as Sergeant [REDACTED] and Sergeant [REDACTED] forced the appellant to the ground. Officer [REDACTED] stated the appellant continued to kick his feet when he was on the ground. Officer [REDACTED] indicated the appellant kept kicking his feet as Sergeant [REDACTED] and Sergeant [REDACTED] tried to control him. Officer [REDACTED] went on to say, responding staff arrived and the appellant was restrained in leg restraints at which time he stopped his actions.

I asked Officer [REDACTED] if he saw any staff member punch, kick or put their fingers in the appellant's throat. Officer [REDACTED] said he did not see anything like that take place.

Officer [REDACTED] had nothing further to add, and I had no further questions. Therefore, I concluded the interview.

Inmate [REDACTED] FCB8-[REDACTED]

I chose to interview Inmate [REDACTED] because the appellant identified him as a potential witness. Inmate [REDACTED] was interviewed on November 5, 2019.

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I asked Inmate [REDACTED] to go back to September 16, 2019, and if he remembered an incident involving the appellant. Inmate [REDACTED] said he saw Inmate [REDACTED] refusing to enter his cell. Inmate [REDACTED] said he saw the appellant taken to the ground where he resisted staff.

I asked Inmate [REDACTED] if he saw any staff member punch, kick, or put their fingers in the appellant's throat. Inmate [REDACTED] said he did not see anything like that happen and added he saw the appellant twisting back and forth when he was on the ground and a female sergeant [REDACTED] had her hands on the appellant's back. Inmate [REDACTED] indicated staff only held the appellant down until he was restrained.

Inmate [REDACTED] had nothing further to add, and I had no further questions. Therefore, I concluded the interview.

Inmate [REDACTED] FCB8 [REDACTED]

I chose to interview Inmate [REDACTED] due to the fact he was named as a witness by the appellant. I interviewed Inmate [REDACTED] on November 5, 2019.

I asked Inmate [REDACTED] to think back to September 16, 2019, and if he remembered an incident involving the appellant. Inmate [REDACTED] said he saw Inmate [REDACTED] brought out of his cell and slammed to ground, stomped, kicked and punched by a female sergeant (Alvarez). I asked Inmate [REDACTED] who he alleges was kicking the appellant. Inmate [REDACTED] said Officer [REDACTED] was kicking the appellant. I asked Inmate [REDACTED] if he could identify any other staff members to which he replied he could not.

Inmate [REDACTED] had nothing further to add, and I had no further questions. Therefore, I concluded the interview.

Inmate [REDACTED]'s statement conflicts with the appellant's account of the incident which is documented on his appeal. The appellant makes no mention of Officer [REDACTED] using any force on him nor does he indicate Sergeant [REDACTED] punched him. Therefore, Inmate [REDACTED]'s statement should be considered unreliable.

Inmate [REDACTED] FCB8 [REDACTED]

I chose to interview Inmate [REDACTED] because the appellant identified him as a potential witness. Inmate [REDACTED] was interviewed on November 5, 2019.

I asked Inmate [REDACTED] to go back to September 16, 2019, and if he remembered an incident involving the appellant. Inmate [REDACTED] said he saw the appellant being escorted while in handcuffs. Inmate [REDACTED] added he heard the appellant yell and saw him on the dayroom floor in front of the bottom shower. Inmate [REDACTED] said he saw punches and that was it.

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I asked Inmate [REDACTED] if he could see what happened in front of the lower tier shower from his cell, which is in the corner of the second tier. Inmate [REDACTED] said he saw the appellant being dragged into the dayroom by ten officers who he could not identify.

Inmate [REDACTED] had nothing further to add, and I had no further questions. Therefore, I concluded the interview.

Inmate [REDACTED]'s statement contradicts the appellant's allegations. The appellant alleges there was only two officers in the area and never mentions being dragged into the dayroom. With that, Inmate [REDACTED]'s statement should be considered fabricated.

Inmate [REDACTED] FCB8-[REDACTED]

I chose to interview Inmate [REDACTED] due to the fact he is housed in A section and may have seen what is alleged. Inmate [REDACTED] was interviewed on November 5, 2019.

I asked Inmate [REDACTED] to go back to September 16, 2019, and if he remembered an incident involving the appellant. Inmate [REDACTED] stated he heard a scuffle, but did not see anything.

Inmate [REDACTED] had nothing further to add, and I had no further questions. Therefore, I concluded the interview.

Inmate [REDACTED] FCB8-[REDACTED]

I chose to interview Inmate [REDACTED] due to the fact he is housed in A section and may have seen what is alleged. Inmate [REDACTED] was interviewed on November 5, 2019.

I asked Inmate [REDACTED] to think back to September 16, 2019, and if he remembered an incident involving the appellant. Inmate [REDACTED] said he did not remember anything happen on the day in question.

Inmate [REDACTED] had nothing further to add, and I had no further questions. Therefore, I concluded the interview.

Inmate [REDACTED] FCB8-[REDACTED]

I chose to interview Inmate [REDACTED] due to the fact he is housed in A section and may have seen what is alleged. Inmate [REDACTED] was interviewed on November 5, 2019.

I asked Inmate [REDACTED] to go back to September 16, 2019, and if he remembered an incident involving the appellant. Inmate [REDACTED] stated he remembered an alarm, but did not see anything.

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Inmate [REDACTED] had nothing further to add, and I had no further questions. Therefore, I concluded the interview.

Conclusion:

On November 4, 2019, the appellant was interviewed telephonically as he is now housed at LAC. During the interview the appellant reiterated what was documented in his appeal. I asked the appellant if he had any witnesses. The appellant said the inmates in A section would have seen what is alleged.

I asked the appellant who slammed him and where this allegedly occurred. The appellant indicated Officer [REDACTED] slammed him on the dayroom floor in A section of housing unit 8.

Now, the appellant is alleging on September 16, 2019, he was slammed to the ground, punched and kicked by two officers while [REDACTED] put two fingers in his throat preventing him from breathing.

Sergeant [REDACTED] stated during his interview, he and Sergeant [REDACTED] forced the appellant to the ground after he tried to hit him in the chest and kicked Sergeant [REDACTED]. Sergeant [REDACTED] did not see or do what is alleged.

Officer [REDACTED] said during his interview, he did not slam the appellant as alleged and added he had no contact with the appellant during or after the incident in question.

Officer [REDACTED] stated during his interview, he saw the appellant resisting Sergeants [REDACTED] and [REDACTED] at which time he held the appellant's legs down until he was restrained. Officer [REDACTED] did not see what is alleged.

Officer [REDACTED] stated during his interview, he responded to A section and saw the appellant actively resisting Sergeants [REDACTED] and [REDACTED] and applied leg restraints on the appellant. Officer [REDACTED] did not see what is alleged.

Officer [REDACTED] indicated during his interview, he saw the appellant try to hit Sergeant [REDACTED] and kick his legs backward and the appellant being forced to the ground. Officer [REDACTED] did not see what is alleged.

Inmate [REDACTED] said during his interview, he saw the appellant being resistive with staff when he was on the dayroom floor. Inmate [REDACTED] saw staff hold the appellant down until he was restrained.

Inmate [REDACTED] stated during his interview, he saw Inmate [REDACTED] brought out of his cell and slammed to ground, stomped, kicked and punched by a female sergeant [REDACTED]. I asked Inmate [REDACTED] who he alleges was kicking the appellant. Inmate [REDACTED] said Officer [REDACTED] was kicking the appellant. Inmate [REDACTED]'s statement conflicts with the

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appellant's account of the incident which is documented on his appeal. The appellant makes no mention of Officer [REDACTED] using any force on him nor does he indicate Sergeant [REDACTED] punched him. Therefore, Inmate [REDACTED]'s statement should be considered unreliable.

Inmate [REDACTED] said during his interview, he saw ten officers drag the appellant. Inmate [REDACTED]'s statement contradicts the appellant's allegations. Inmate [REDACTED]'s statement should be considered fabricated.

Inmate [REDACTED] stated during his interview, he heard a scuffle, but did not see anything.

Inmate [REDACTED] indicated during his interview he did not remember anything happening on the day in question.

Inmate [REDACTED] said during his interview, he remembered an alarm, but did not see anything.

I reviewed of the 7219 Medical Report of Injury of Unusual Occurrence which was completed on the appellant by Psychiatric Technician Garcia following the incident. The 7219 notes an abrasion or scratch to the right side of the face, right and left ankles and pain to the head, torso, right and left ankles. The above mentioned is consistent with the force used and documented by the staff involved. There are no documented injuries to suggest the appellant was punched and kicked for five minutes.

I reviewed of the 7219 Medical Report of Injury of Unusual Occurrence which was completed on Sergeant [REDACTED] following the incident. The document noted a bruise or discolored area, and swollen area to the right knee. Also noted was a reddened area to the right shin and a bruise or discolored area to the right hand. The injuries sustained by Sergeant [REDACTED] are consistent with having been the victim of what is described as a "Mule kick" to her knee. Sergeant [REDACTED] also reported her right hand hitting the ground during the struggle to restrain the appellant.

I reviewed the CDCR Form 3013 Inmate Interview Worksheet and the CDCR Form 3014 Report of Findings. Also, I watched the interview which was recorded on DVD. The 3014, which was authored by Lieutenant [REDACTED] concluded there was no evidence to support the appellant's allegations. Therefore, no further action was recommended to which Captain [REDACTED] and Associate Warden S. Swaim concurred.

It is clear Sergeant [REDACTED] used the minimal amount of force needed to subdue the appellant and to effect custody. With that, based on the information and evidence gathered; wrong doing cannot be established with regard to the appeal submitted by the appellant. The appellant's allegations against the accused staff member are just that, allegations. The allegations posed by the appellant cannot be proven and have no merit. There is no evidence to support the appellant's claims.

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Print and sign below:

Name	<u>[Redacted]</u>	Sign	<u>[Signature]</u>	<u>12-23-19</u>
	Interviewer			Date
Name	<u>W. W. V.</u>	Sign	<u>[Signature]</u>	<u>12-31-19</u>
	Hiring Authority			Date

EXHIBIT U

Report of Findings – Inmate Interview

INCIDENT SITE/LOCATION		INCIDENT / APPEAL / FF LOG #	
Facility C Building 8 A-Section		KVSP-0-19-03685	
DESCRIPTION OF THE INCIDENT		INCIDENT DATE	
Battery on a Peace Officer Resulting in Use of Force		9/16/2019	
NAME AND TITLE OF INTERVIEWER		NAME AND TITLE OF CAMERA OPERATOR	
Lieutenant		Sergeant	
INMATE NAME AND CDCR#	DATE OF INTERVIEW	NAME AND TITLE OF TRANSLATOR (IF UTILIZED)	
	9/24/2019	N/A	

The Report of Findings shall be conducted by custodial supervisors (sergeants or lieutenants) who did not use, or observe the force used, in the incident.

INMATE INTERVIEW		Yes	No	N/A
1.	Did the inmate refuse to participate in the interview? If so, please provide the name and title of staff who asked the inmate to participate. Name: _____ Title: _____	☐	☒	
2.	What is the reason for the interview? ☐ Serious Bodily Injury ☐ Great Bodily Injury ☒ Allegation			
a. If there was an allegation, describe the allegation: <i>Description:</i> Allegation of Unnecessary/Excessive use of force.				
3.	Summarize the statements made by the inmate during the interview: <i>Summary:</i> The appellant is alleging on September 16, 2019, appellant contends he was escorted to Facility 'C' Building 8 while staff was pushing him to the building. Appellant alleges when he entered Building 8, he was slammed into the tables in A-Section and staff began to punch and kick the appellant. Appellant states, staff attempted to remove his cellmate from his assigned housing and put him inside cell [REDACTED]. Appellant is alleging staff removed him from the cell and continued to strike him with fists. Appellant alleges Sergeant [REDACTED] put two fingers in his throat to prevent him from breathing.			

INMATE WITNESSES INTERVIEWED		Yes	No	N/A
1.	Did the inmate being interviewed request inmate witnesses. If yes, fill in the information below: Inmate Name: [REDACTED] CDCR#: [REDACTED] Housing: C8- [REDACTED] Date Interviewed: 10/3/2019 Inmate Name: [REDACTED] CDCR#: [REDACTED] Housing: C8- [REDACTED] Date Interviewed: 10/3/2019 Inmate Name: [REDACTED] CDCR#: [REDACTED] Housing: C8- [REDACTED] Date Interviewed: 10/3/2019 Inmate Name: [REDACTED] CDCR#: [REDACTED] Housing: C8- [REDACTED] Date Interviewed: 10/3/2019	☒	☐	
2.	Did any inmates refuse to participate in the interview? If so, please provide the name and title of staff who asked the inmate to participate: Staff Name: _____ Title: _____ Inmate Refused: _____ Staff Name: _____ Title: _____ Inmate Refused: _____ Staff Name: _____ Title: _____ Inmate Refused: _____ Staff Name: _____ Title: _____ Inmate Refused: _____	☐	☒	☐
3.	Summarize the statements made by the witnesses during the interview: <i>Summary:</i> Inmate [REDACTED] was interviewed on October 3, 2019, in regards to these allegations. The interview was face to face and conducted in Facility 'C' Building 8 Office which was secured with no other Inmates present. A search of the Strategic Offender Management System (SOMS) reflects Inmate [REDACTED] was housed in Facility 'C' Building 8, cell [REDACTED] on the date of this incident. During the interview, I informed Inmate [REDACTED] I was going to ask him some questions regarding an incident which occurred next door to him on September 16, 2019, regarding Inmate [REDACTED]. I asked Inmate [REDACTED] if he recollected observing an incident occur between Inmate [REDACTED] and Correctional Officers inside of the building outside of cell [REDACTED]. Inmate [REDACTED] informed me, he did not see any kind of altercation. During the interview, I asked Inmate [REDACTED] if he heard anything during this incident. Inmate [REDACTED] replied, "No." This concluded my interview with Inmate [REDACTED]. Inmate [REDACTED] was interviewed on October 3, 2019, in regards to these allegations. The interview was face to face and conducted in Facility 'C' Building 8 Office which was secured with no other Inmates present. A search of			

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the Strategic Offender Management System (SOMS) reflects Inmate [REDACTED] was housed in Facility 'C' Building 8, cell [REDACTED] on the date of this incident. During the interview, I informed Inmate [REDACTED] I was going to ask him some questions regarding an incident which occurred next door to him on September 16, 2019, regarding Inmate [REDACTED]. I asked Inmate [REDACTED] if he recollected observing an incident occur between Inmate [REDACTED] and Correctional staff inside of the building outside of cell [REDACTED]. Inmate [REDACTED] informed me he had observed staff "Whoopin on him." During the interview, I asked Inmate [REDACTED] what he meant by "Whoopin on him?" Inmate [REDACTED] stated, "Yea, just whoopin on him." I asked Inmate [REDACTED] if he could identify any specific staff members. Inmate [REDACTED] replied, "No." I asked Inmate [REDACTED] if he observed Inmate [REDACTED] being resistive. Inmate [REDACTED] informed me he did see Inmate [REDACTED] be a little resistive and was taken to the ground. I asked Inmate [REDACTED] if he observed anything after Inmate [REDACTED] was taken to the ground. Inmate [REDACTED] stated "No." This concluded my interview with Inmate [REDACTED].

Inmate [REDACTED] was interviewed on October 3, 2019, in regards to these allegations. The interview was face to face and conducted in Facility 'C' Building 8 Office which was secured with no other Inmates present. A search of the Strategic Offender Management System (SOMS) reflects Inmate [REDACTED] was housed in Facility 'C' Building 8, cell [REDACTED] on the date of this incident. During the interview, I informed Inmate [REDACTED] I was going to ask him some questions regarding an incident which occurred on September 16, 2019, regarding Inmate [REDACTED]. I asked Inmate [REDACTED] if he recollected observing an incident occur between Inmate [REDACTED] and Correctional Officers inside of the building outside of cell [REDACTED]. Inmate [REDACTED] informed me, he did not see any kind of altercation. During the interview, I asked Inmate [REDACTED] if he heard anything during this incident. Inmate [REDACTED] replied, "No." This concluded my interview with Inmate [REDACTED].

Inmate [REDACTED] was interviewed on October 3, 2019, in regards to these allegations. The interview was face to face and conducted in Facility 'C' Building 8 Office which was secured with no other Inmates present. A search of the Strategic Offender Management System (SOMS) reflects Inmate [REDACTED] was housed in Facility 'C' Building 8, cell [REDACTED] on the date of this incident. During the interview, I informed Inmate [REDACTED] I was going to ask him some questions regarding an incident which occurred next door on September 16, 2019, regarding Inmate [REDACTED]. I asked Inmate [REDACTED] if he recollected observing an incident occur between Inmate [REDACTED] and Correctional staff inside of the building outside of cell [REDACTED]. Inmate [REDACTED] informed me he was unable to observe this incident. During the interview, I asked Inmate [REDACTED] if he heard anything during this incident. Inmate [REDACTED] replied, "I heard orders to get down and stop." This concluded my interview with Inmate [REDACTED].

Inmate [REDACTED] was interviewed on October 3, 2019, in regards to these allegations. The interview was face to face and conducted in the Facility 'C' Building 8 Office which was secured with no other Inmates present. A search of the Strategic Offender Management System (SOMS) reflects Inmate [REDACTED] was housed in Facility 'C' Building 8, cell [REDACTED] on the date of this incident. During the interview, I informed Inmate [REDACTED] I was going to ask him some questions regarding an incident which occurred next door on September 16, 2019, regarding Inmate [REDACTED]. I asked Inmate [REDACTED] if he recollected observing an incident occur between Inmate [REDACTED] and Correctional staff inside of the building outside of cell [REDACTED]. Inmate [REDACTED] informed me he had observed staff have Inmate [REDACTED] on the ground being socked. I asked Inmate [REDACTED] if he could identify any specific staff members. Inmate [REDACTED] replied, "No. I did not see who was socking him." I asked Inmate [REDACTED] if he observed Inmate [REDACTED] being resistive. Inmate [REDACTED] informed me he observed the female sergeant trying to get Inmate [REDACTED] in handcuffs due to Inmate [REDACTED] keeping his hands under his body. During the interview, I asked Inmate [REDACTED] if he had any further information he would like to comment on. Inmate [REDACTED] stated, "No." This concluded my interview with Inmate [REDACTED].

On October 9, 2019, I conducted an interview with Psychiatric Technician (PT), L. Ruiz via telephonic interview. I informed PT Ruiz the interview was regarding an incident on September 16, 2019, in Facility C, Building 8, A-Section concerning Inmate [REDACTED]. I informed PT Ruiz of the appellant's allegations. PT Ruiz informed me she recollected an incident on the specific date involving Inmate [REDACTED]. During the interview, I asked PT Ruiz if she could provide me with what she observed or heard during this incident. PT. Ruiz explained she and PT M. Garcia were conducting medication distribution in Building 8 within the C-Section dayroom. PT Ruiz stated she and PT Garcia remained in C-Section as she heard an alarm in the building. PT Ruiz further explained she was not aware of the incident and did not observe or hear anything during the incident. PT Ruiz informed me, she and PT Garcia did not observe Inmate [REDACTED] until he was medically evaluated after the incident. This concluded my interview with PT Ruiz.

On October 9, 2019, Officer [REDACTED] was interviewed in regards to the allegations made by the appellant. I informed Officer [REDACTED] the interview was regarding an incident on September 16, 2019, in Facility 'C', Building 8 concerning Inmate [REDACTED]. I informed Officer [REDACTED] of allegations made by the appellant. Officer [REDACTED] stated his Crime / Incident report was accurate. I asked Officer [REDACTED] if at any time during this incident if he observed anything other than physical force being utilized on the appellant. Officer [REDACTED] stated he only observed physical force to stop the resistive and combative behavior of Inmate [REDACTED]. During the interview, Officer [REDACTED] informed me he heard inmates in their cells in A-Section who he could not identify yelling and inciting Inmate [REDACTED] to continue his combative

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behavior. Officer [REDACTED] specifically stated he heard inmates yelling out to Inmate [REDACTED] to "Fuck them up [REDACTED]" This concluded my interview with Officer [REDACTED]

On October 9, 2019, Correctional Sergeant C. [REDACTED] was interviewed telephonically in regards to the allegations made by the appellant. I informed Sergeant [REDACTED] the interview was regarding an incident on September 16, 2019, in Facility 'C', Building 8 concerning Inmate [REDACTED]. I informed Sergeant [REDACTED] of the allegations made by the appellant. Sergeant [REDACTED] stated her Crime / Incident report was accurate. I asked Sergeant [REDACTED] if at any time during this incident if she observed any type of force other than physical force being utilized on the appellant. Sergeant [REDACTED] explained she only utilized and observed physical force being utilized to stop the resistive and combative behavior of Inmate [REDACTED]. Sergeant [REDACTED] continued to state Inmate [REDACTED] kicked her in the knee and was being resistive to the point she injured her hand in an attempt to secure the appellant in handcuffs. At the conclusion of the interview, I asked Sergeant [REDACTED] if she attempted to choke Inmate [REDACTED]. Sergeant [REDACTED] informed me these allegations were untrue. This concluded my interview with Sergeant [REDACTED]

On October 11, 2019, Correctional Sergeant C. [REDACTED] was interviewed in regards to the allegations made by the appellant. I informed Sergeant [REDACTED] the interview was regarding an incident on September 16, 2019, in Facility 'C', Building 8 concerning Inmate [REDACTED]. I informed Sergeant [REDACTED] of the allegations made by the appellant. Sergeant [REDACTED] advised me his Crime / Incident report was accurate. I asked Sergeant [REDACTED] if at any time during this incident if he observed any type of force other than physical force being utilized on the appellant. Sergeant [REDACTED] explained he only utilized and observed physical force being utilized to stop the resistive and combative behavior of Inmate [REDACTED]. Sergeant [REDACTED] stated Inmate [REDACTED] attempted to batter him with his elbow and physical force was utilized. At the conclusion of the interview, I asked Sergeant [REDACTED] if he observed the appellant get struck with fists. Sergeant [REDACTED] informed me he did not observe any of the allegations made by the appellant. This concluded my interview with Sergeant [REDACTED]

The CDCR 7219 completed on the appellant on September 16, 2019, immediately after the incident occurred reflected an Abrasion/Scratch to the facial area, pain to the head area, Pain to the right and left side of the abdomen area, pain to the right ankle, and an Abrasion/Scratch to the right and left ankle.

A CDCR 7219 completed on the appellant on September 24, 2019, during the videotaped interview reflected additional injuries. Specifically, a reddened area to the left eye, pain to the neck area, reddened area to the left shoulder, pain to the right shoulder, and reddened areas to the right and left hands.

After reviewing the videotaped interview, the video only reflected minor injuries consistent with what was documented on both completed CDCR 7219 medical evaluations. The injuries sustained by the appellant are consistent with being physically forced to the ground and having to be physically forced in handcuffs and leg restraints as reported in the staff members 837C Crime/Incident Reports.

The injuries documented on the appellant are not indicative of being slammed into a table and kicked and struck with fists multiple times by multiple staff members.

A CDCR 7219 was completed on Sergeant [REDACTED] on September 16, 2019, on the day of the incident. The CDCR 7219 medical evaluation documented a bruise/discolored area to the left hand, bruise/discolored area to the right knee, swollen area to the right knee, and reddened area to the right knee.

The injuries documented on Sergeant [REDACTED] is consistent with being battered by the appellant as reported. The injury to the left hand of Sergeant [REDACTED] is consistent with her 837C Crime/Incident Report of being injured by attempting to secure the appellant in restraints.

After reviewing Crime/Incident Report KVSP-FC8-19-09-0868, it is determined the appellant assaulted Sergeant [REDACTED] with his elbow and battered Sergeant [REDACTED] by striking her in the knee. The utilization of Physical Force during this incident is the level of force that an objective, trained, and competent Correctional Employee, faced with similar facts and circumstances, would consider necessary and reasonable to affect custody and to gain compliance.

All use of force depicted in submitted reports appear to be within the guidelines found the California Code of Regulations, Title 15, Crime Prevention and Corrections, Section 3268, Use of Force.

Certain Inmate Witnesses stated they observed the appellant being struck with fists. This is inconsistent with what was reported by multiple staff members at the time of the incident. Staff reported hearing witnesses provoking the appellant into violence while the appellant was actively resisting staff and battered Sergeant [REDACTED]. Due to the inmates provoking violence during this incident, it is reasonable to believe the inmate witnesses are favoring the appellant to aid in his allegations.

Report of Findings – Inmate Interview

EXHIBIT V

Filed Under Seal

EXHIBIT W

CRIME / INCIDENT REPORT

PART C - STAFF REPORT

CDCR 837-C (Rev. 10/15)

PAGE 1 Of 2

INCIDENT LOG NUMBER
KVSP-FC8-19-09-0868

NAME: LAST [REDACTED]		FIRST [REDACTED]		MI A	DATE OF INCIDENT 9/16/2019	TIME OF INCIDENT 2051 HOURS
POST # 330334	POSITION FAC C PRO SGT 2	YEARS OF SERVICE 4YRS. 3MO.	DATE OF REPORT 9/16/2019		LOCATION OF INCIDENT FAC C BUILDING 8 A SECTION DAYROOM	
RDO'S W/T	DUTY HOURS 1400-2200	DESCRIPTION OF CRIME / INCIDENT Battery on a Peace Officer Resulting in The Use of Force				CCR SECTION / RULE 3005(d)(1) ☐ N/A

YOUR ROLE	WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)	INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)
☒ Primary	(S) Sergeant [REDACTED]	(S) [REDACTED]
☐ Responder		(S) [REDACTED]
☐ Witness		
☐ Camera		
☐ Victim		
☐ Other:		

☐ N/A FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / NON-CONVENTIONAL FORCE								
☒ Physical:	Lethal Weapons:	Warning:	Effect:	Less Lethal Weapons:	# Effect:	Chemical Agent:	Projector:	#Deployed:
☐ Hand-Held Baton	☐ Mini 14			☐ 37 mm		☐ OC		
☐ X-10 BRD w/o OC	☐ .38 Cal			☐ 40 mm		☐ CN		
☐ X-10 BRD w/ OC	☐ .40 Cal			☐ L8		☐ CS		
	☐ 9 mm			☐ 40 mm Multi				
	☐ Shotgun			☐ HFWS				

☐ Non-Conventional or Force Not Listed Above:

FORCE OBSERVED BY YOU	☐ N/A ☒ Physical ☐ Hand-Held Baton ☐ Chemical Agent ☐ X-10 ☐ Less Lethal ☐ Lethal ☐ Non-Conventional

EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION	EVIDENCE DISPOSITION	BIO HAZARD	PPE
☐ YES			☐ YES	☐ YES
☒ NO	☒ N/A	☒ N/A	☒ NO	☒ NO

REPORTING STAFF INJURED	DESCRIPTION OF INJURY	LOCATION TREATED (HOSPITAL/CLINIC)	FLUID EXPOSURE	SCIF 3301/3067 COMPLETED
☐ YES			☐ BODILY ☒ N/A	☐ YES
☒ NO	☒ N/A	☒ N/A	☐ UNKNOWN	☒ NO
			☐ Other:	

NARRATIVE: On Monday, September 16, 2019, at approximately 2051 hours, Sergeant [REDACTED] and I escorted Inmate [REDACTED] FCB8- [REDACTED] back to his housing unit. Upon arrival to Facility C, Building 8, "A" section cell [REDACTED] I unhand cuffed Inmate [REDACTED] Sergeant [REDACTED] instructed the control booth officer to open cell [REDACTED] Once cell [REDACTED] was open Inmate [REDACTED] FCB8- [REDACTED] was blocking the entry to cell [REDACTED] I ordered Inmate [REDACTED] to sit on his bunk. Inmate [REDACTED] stated, "He's not coming in this cell" I ordered Inmate [REDACTED] out of the cell and into the lower tier "A" section shower in order to secure inmate [REDACTED] in to cell [REDACTED] Inmate [REDACTED] complied and the shower door was secured.

I ordered Inmate [REDACTED] to go into the cell. Inmate [REDACTED] stepped towards the entry way and without provocation stated, "Fuck you I'm not staying here" while standing directly behind Inmate [REDACTED] spun his body to the left while simultaneously swinging his left elbow towards my upper torso area. I yelled, "Get Down" I grabbed [REDACTED] left bicep area with my left hand and grabbed his left shoulder area shirt with my right hand and attempted to force him to the ground using my body weight and his momentum. To subdue Inmate [REDACTED] attack and gain compliance with orders. Inmate [REDACTED] was able to plant his feet and kicked backwards with his right and left foot.

I maintained my grasp of Inmate [REDACTED] left bicep area with my left hand and right hand on his left shoulder area shirt, I pulled his left arm into my body and pushed down on his left shoulder with my right hand utilizing my body weight and strength. I was successful in driving Inmate [REDACTED] into the ground. Once on the ground I landed on the left side of Inmate [REDACTED] Due to my position and my focus on Inmate [REDACTED] did not observe Sergeant [REDACTED] actions. Inmate [REDACTED] was actively resisting on the ground by thrashing his body left to right. I announced Via institutional radio, "Code one Charlie 8 staff assault." I placed my right knee on Inmate [REDACTED] lower back area in an attempt to gain compliance and overcome his resistance. I yelled to inmate [REDACTED] "Stop resisting" Inmate [REDACTED] ignored the order as Inmate [REDACTED] had both hands underneath this chest. I placed both my hands on Inmate [REDACTED] left fore area and pulled it back to his back. I retrieved my handcuffs and secured his left hand in

☒ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

TITLE CORRECTIONAL SERGEANT		BADGE # / ID # 86301/2467843		DATE 9/16/2019
DATE RECEIVED 9/16/2019	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO		DATE 9/16/2019

Employee Copy: Reviewing Supervisor

CRIME / INCIDENT REPORT

PART C1 - SUPPLEMENT

CDCR 837-C1 (Rev. 10/15)

PAGE **2** Of **2**

INCIDENT LOG NUMBER
KVSP-FC8-19-09-0868

NAME: LAST
LERMA

FIRST
CARLOS

MI
A

TYPE OF INFORMATION:

☒ CONTINUATION OF REPORT

☐ CLARIFICATION OF REPORT

☐ ADDITIONAL INFORMATION

NARRATIVE:

the handcuff and I yelled give me his right hand. I observed Sergeant [REDACTED] had her left knee on Inmate [REDACTED]'s upper back and she was attempting to pull Inmate [REDACTED]'s right hand to his back with both her hands. Sergeant [REDACTED] held inmate [REDACTED]'s hand to his back while I secured his right hand into the hand cuff. Once secured in hand cuffs Sergeant [REDACTED] instructed an Officer to secure Inmate [REDACTED]'s feet in leg restraints. I continued to have my right knee on Inmate [REDACTED]'s lower back and I maintained control of the handcuffs. Due to my focus on Inmate [REDACTED]'s upper body and control on the hand cuffs I did not observe who secured his feet in leg restraints. Inmate [REDACTED] stopped resisting once he was secured in restraints.

Once the incident was quelled I heard Inmate [REDACTED] yelling, "Fuck you bitches I'll knock your ass out..."

Responding staff arrived, Inmate [REDACTED] and Inmate [REDACTED] were escorted out of Facility C Building 8 without incident.

This concludes my involvement in this incident.

☐ CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL CDCR 837-C1.

[REDACTED]	TITLE	BADGE # / ID #	DATE
	CORRECTIONAL SERGEANT	86301/2467843	9/16/2019
SIGNATURE	DATE RECEIVED	CLARIFICATION NEEDED	APPROVED
[REDACTED]	9/16/2019	☐ YES ☒ NO	☒ YES ☐ NO
			DATE
			9/16/2019

Reporting Employee Copy: Reviewing Supervisor

EXHIBIT X

Filed Under Seal

EXHIBIT Y

Filed Under Seal

EXHIBIT Z

Filed Under Seal

EXHIBIT AA

Filed Under Seal

EXHIBIT BB

Filed Under Seal

EXHIBIT CC

Filed Under Seal

EXHIBIT DD

Filed Under Seal

EXHIBIT EE

Filed Under Seal

EXHIBIT FF

Filed Under Seal

EXHIBIT GG

**CONFIDENTIAL SUPPLEMENT TO APPEAL
"APPEAL/ALLEGATION INQUIRY"**

DO NOT COPY OR DISTRIBUTE EXCEPT PURSUANT TO CCR Title 15, Section 3084.9(i)(3)(B)1.

Date: February 22, 2020

Appeal Log Number: LAC-S-20-00469

Inmate/Parolee Name: [REDACTED]

CDC Number: [REDACTED]

Assigned Reviewer: [REDACTED] Correctional Lieutenant (Lt.)

Date and place of interview: February 22, 2020, Administrative Segregation Unit-Lieutenant's Office

Accused Staff Member: Correctional Officers [REDACTED]

Synopsis of Allegation:

The Appellant alleged on January 19, 2020, Correctional Officers [REDACTED] used excessive and unnecessary force by punching the Appellant in the head multiple times; kicking the Appellant on the legs several times and slamming their knees into the Appellant's back after he requested a medical emergency.

Witnesses:

The Appellant did not identify any witnesses to be interviewed regarding the allegations.

Findings:

On February 22, 2020, Lt. [REDACTED] interviewed Officer [REDACTED] in the ASU- Lieutenant's Office. During the interview, Lt. [REDACTED] advised Officer [REDACTED] of the Appellant's allegations. Officer [REDACTED] denied the allegations and said he does remember the incident on January 19, 2020. Officer [REDACTED] stated the Appellant was covered on the bottom bunk, as he was lying unresponsive in his cell, which required him, Officers [REDACTED] and [REDACTED] to perform an immediate cell rescue. Officer [REDACTED] explained that once he made entry into the cell with the extraction shield, he attempted to place the extraction shield over the Appellant, but he began to resist by kicking his feet and waving his arms. Officer [REDACTED] added the Appellant continued to resist and battered Officer [REDACTED] by kicking him in the chest. Officer [REDACTED] said they were able to place the Appellant in restraints and escort him to be evaluated by medical staff. Officer [REDACTED] stated that he did not have any more problems from the Appellant after the incident.

On February 22, 2020, Lt. [REDACTED] interviewed Officer [REDACTED] in the ASU- Lieutenant's Office. During the interview, Lt. [REDACTED] advised Officer [REDACTED] of the Appellant's allegations. Officer [REDACTED] denied the allegations and said he does remember the incident on January 19, 2020. Officer [REDACTED] said he saw the Appellant kicking and hitting the extraction shield as he entered the cell. Officer [REDACTED] added that he assisted Officer [REDACTED] with placing the Appellant in restraints and did not use or witness any excessive/unnecessary force.

On February 22, 2020, [REDACTED] interviewed Officer [REDACTED] in the ASU- Lieutenant's Office. During the interview, Lt. [REDACTED] advised Officer [REDACTED] of the Appellant's allegations. Officer [REDACTED] denied the allegations and said he does remember the incident on January 19, 2020. Officer [REDACTED] said that the Appellant appeared to be unresponsive as he entered the cell as the extraction shield was placed over the Appellant's body. Officer [REDACTED] stated the Appellant began kicking his feet as he (Officer [REDACTED] was trying to place leg restraints on him. Officer [REDACTED] added that the Appellant kicked him in the chest as he applied the restraints. Officer [REDACTED] said the Appellant stopped resisting after the restraints were applied.

Appeal Log Number: LAC-S-20-00469

Inmate [REDACTED] CDC# [REDACTED]
Appeal Log Number: LAC-S-20-00469

Attachment C

On February 19, 2020, Lt. [REDACTED] conducted an interview with the Appellant and afforded him the opportunity to review the complaint that he submitted. The Appellant reviewed his complaint and recanted his statement regarding the incident on January 19, 2020. The Appellant said that he was upset at third watch custody staff for not taking his medical emergency seriously. The Appellant added that he wrote the CDCR-602 (Staff Complaint) in retaliation of the CDCR-115 and custody staff teasing him as they walk by his cell door. The Appellant requested to withdraw Appeal# LAC-S-20-00469 during the interview and said the incident had just simply got out hand when it should not have.

The following items were reviewed: CDCR Form 602 Log # LAC-S-20-00469, Strategic Offender Management System (SOMS) – disciplinary history that were in regards to the Appellant's allegation and phone records. The result of this inquiry finds insufficient evidence to support the Appellant's allegation.

Conclusion:

It appears this matter does not warrant any further investigation as there is no evidence to support the Appellant's allegation of staff misconduct. Officers A. Perucho, E. Rios and R. Eckler did not violate CDCR policy with respect to the issues raised.

[REDACTED]
Correctional Lieutenant
California State Prison, Los Angeles County


R.C. JOHNSON
Warden
California State Prison-Los Angeles County

EXHIBIT HH

Galindo, Monica@CDCR

From: [REDACTED]
Sent: Friday, June 05, 2020 8:14 AM
To: Romero, Daniel@CDCR; Coker, Darin@CDCR
Cc: Galindo, Monica@CDCR
Subject: FW: CMS4: Case Number S-LAC-254-20-P has been accepted by the CIU.

This one is for:

It is alleged that Inmate [REDACTED] received injuries by Correctional Officers [REDACTED] during an emergency cell extraction, relative to Incident Package (#5539) generated April 11, 2020. The extent of [REDACTED]'s injuries documented on the CDCR 7219 Medical Report of Injury or Unusual Occurrence, could not be explained by the force reported in the officers reports. Included subject is Sergeant (Sgt.) (A) [REDACTED]

[REDACTED]
CORRECTIONAL LIEUTENANT
CALIFORNIA STATE PRISON- LOS ANGELES COUNTY

From: cms.notification@cdcr.ca.gov <cms.notification@cdcr.ca.gov>
Sent: Friday, June 05, 2020 8:05 AM
To: [REDACTED]; Johnson, Raybon@CDCR <Raybon.Johnson@cdcr.ca.gov>
Subject: CMS4: Case Number S-LAC-254-20-P has been accepted by the CIU.

Case Number S-LAC-254-20-P has been accepted by the CIU.

Please login to CMS for further details. [Link to CMS](#). Thank you.

Note: This is an auto-generated email, please do not reply.

CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

State of California

Department of Corrections and Rehabilitation

Memorandum

Date: April 17, 2020

To: R.C. Johnson
Warden
California State Prison-Los Angeles County

Subject: **REQUEST FOR ADMINISTRATIVE REVIEW**

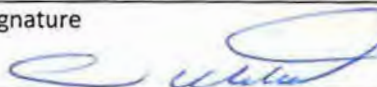
1.	Subject(s) Name (Last, First)	Classification	Post/Work Assignment
	[REDACTED]	Correctional Sergeant Correctional Officer Correctional Officer Correctional Officer	390571 Z PROGRAM SGT 394151 HCA Z YARD MH 393972 Z SEC PAT ASU 2 393971 Z SEC PAT ASU 1
2.	Date of Event	Date of Discovery	Event Location
	April 11, 2020	April 11, 2020	ASU
3.	Facts and Circumstances		
On April 11, 2020, an incident package was generated (IR#5339) relative to a staff battery. Inmate [REDACTED] (ASU1-[REDACTED]) was placed into ASU "wet tank," # [REDACTED] after informing Correctional Officer [REDACTED] that he was suicidal. While attempting to perform an unclothed body search of [REDACTED], [REDACTED] removed toilet paper from his back brace and covered the window of the cell door blocking staff from being able to observe him. Officer [REDACTED] attempted to communicate with [REDACTED] however the inmate was unresponsive. The decision was made to perform an emergency cell rescue; Officer [REDACTED] along with Correctional Officers [REDACTED] formed the entry team. When the team made entry into the wet tank [REDACTED] immediately attacked Officer [REDACTED] who was utilizing the shield. All three officers used physical force to stop the attack and gain control of the inmate. Officers [REDACTED] also utilized their expandable batons. During review of the CDCR 7219 and subsequent CDCR 128-C Injury Documentation Chrono [REDACTED] was found to have injuries that could not be explained by the force reported in the submitted reports. Left Acromion closed fracture of the left shoulder, two (2) sutures left eyebrow, three (3) sutures left eyelid and six (6) sutures top scalp. Based on the aforementioned information it is unclear how [REDACTED] received all of the identified injuries.			

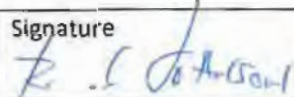
Request for Administrative Review

Page 2 of 3

4.	Violations of Laws, Rules, Regulations, and Policies or Procedures (Include applicable CCR Sections, DOM Sections, DOM Supplements, OPs, Post Orders, etc.)		
	- CCR, Title 15, §3391, Employee Conduct - DOM, §33030.3.1, Code of Conduct - DOM §33030.3.3, LECOE - DOM §51020.17 Uses of Force-Reporting Requirements - DOM §51020.17.1 Involved Staff-Reporting Requirements		
5.	Attachment(s) (Include relevant memorandums/supporting documents, (e.g. Training records, prior corrective actions, Telestaff reports and/or attendance records, etc.)		
	a. Incident Report #5339 b. Administrative Review request memo authored by LT Soisuvsn, dated April 14, 2020 c. Post Orders for Post # 390571 Z PROGRAM SGT, Post # 394151 HCA Z YARD MH, Post # 393972 Z SEC PAT ASU 2 and Post # 393971 Z SEC PAT ASU 1		
6.	Manager Submitting Request for Administrative Review		
	Printed Name/Title: [REDACTED] / Captain	Signature 	Date 04/17/2020
	Recommendation/Comments: Although some if not all of the aforementioned discrepancies may be explained through further inquiry, they cannot be resolved through the UOF review process without the risk of violating the Peace Officers Bill of Rights. For this reason I am requesting this incident be administratively reviewed.		
7.	Associate Warden/Division Head Review		
	Printed Name/Title: E. JORDAN / Associate Warden	Signature 	Date 04/17/2020
	Comments:		☒ Approved ☐ Disapproved
8.	Employee Relations Officer Acknowledgement* (*Skip this step for UOF or Appeals related matters.)		
	Printed Name: N/A	Signature	Date

Request for Administrative Review
Page 3 of 3

9. Chief Deputy Warden Review		
Printed Name: D. ULSTAD	Signature 	Date 4-20-2020
Comments: <i>Recommend 789, Admin. Investigations</i>		☒ Approved ☐ Disapproved

10. Hiring Authority Review/Decision		
☐ No Action Ordered	COMMENTS:	
☐ Refer to Division Head	☐ AW, ADA ☐ AW, BUSINESS SERVICES ☐ AW, CENTRAL OPERATIONS COMMENTS:	☐ AW, PROGRAMS & HOUSING A & B ☐ AW, PROGRAMS & HOUSING C & D ☐ AW, HEALTH CARE
☐ Corrective Action Ordered	☐ IN-SERVICE TRAINING ☐ ON-THE-JOB TRAINING ☐ EMPLOYEE COUNSELING RECORD COMMENTS:	☐ LETTER OF INSTRUCTION ☐ OTHER/SEE COMMENTS BELOW
☒ Refer to ISU Lieutenant	☐ ADMINISTRATIVE INQUIRY ☐ INITIATE 989, DAA COMMENTS:	☐ INITIATE 989, SOI ☒ INITIATE 989, ADMIN. INVESTIGATION
Printed Name/Title: R.C. JOHNSON, Warden	Signature 	Date 4/21/2020

State of California

Department of Corrections and Rehabilitation

Memorandum

Date : April 14, 2020

To : [REDACTED]
Custody Captain
CSP-Los Angeles County

Subject : ADMINISTRATIVE REVIEW OF INCIDENT LOG# 5339

On Saturday, April 11, 2020, at approximately 1828 hours, an incident ensued where Inmate [REDACTED] committed the act of, "Battery on a Peace Officer Resulting in the Use of Force." [REDACTED] was temporarily placed in the Wet Tank in Administrative Segregation pending a suicide risk assessment. [REDACTED] subsequently began applying paper to the Wet Tank window and food/cuff port, preventing Custody from visually ensuring his safety. Custody initiated an Emergency Cell Rescue and activated the Housing Unit alarm. Upon entry, [REDACTED] attacked Custody, ultimately battering five Officers and exposing two of them to bodily fluids. Custody utilized physical force and hand-held baton to subdue [REDACTED]'s attack.

The Medical Report of Injury or Unusual Occurrence, dated April 11, 2020, indicated Inmate [REDACTED] sustained the following injuries during the incident; Head - active bleeding, cut/laceration/slash, Face - active bleeding, cut/laceration/slash x2, dried blood, Neck - pain, Left arm - pain, dried blood, Right arm - dried blood, Right leg - swollen area, bruise/discolored area.

While conducting the Incident Commander's Review/Critique of narrative reports submitted by involved Custody, it is unclear how Inmate [REDACTED] sustained injuries to his face in relation to the force used by Custody. Officer [REDACTED] does report inadvertently striking [REDACTED] in the back of the head, which coincides with [REDACTED]'s active bleeding and the cut/laceration/slash he sustained. No other Custody report striking [REDACTED] in the facial area during the incident. I have determined that the injuries sustained by [REDACTED] are inconsistent with the force used reported by the involved staff members.

I am referring this to you for an appropriate action in the above. Should you have any further questions, feel free to contact me at extension 6422.

[REDACTED]
CSP-Los Angeles County

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS
CDC-128 C

NAME and NUMBER

RM:

ASU

A review of _____ medical chart on 4/12/20 reveals
NAME DATE
 that this Inmate was treated at A.V.H. and sustained the
LOCATION
 following injuries as a result of Incident Log number # LAC-
INCIDENT NUMBER

☐ LOSS OF CONCUSSION:COMMENTS☐ CONCUSSION:COMMENTS☒ BONE FRACTURE(S):left Acromion closed fracture (left Shoulder)COMMENTS/LOCATION(S)☒ SUTURES/STAPLES:18 (2 left eyebrow, 3 left Eyelid, 6 top scalp, 3 Backs of scalp)LOCATION AND NUMBER☐ SERIOUS DISFIGUREMENT:LOCATION AND DESCRIPTION☐ IMPAIRMENT TO OR LOSS OF ORGAN/BODY PART:LOCATION AND TYPE☐ ANY OTHER INJURY REQUIRING HOSPITALIZATION:LOCATION / TYPECOMMENTS: left Acromion (Shoulder) has small bone chip (fracture)Bi-lateral wrists have minor dislocation and thus wrist braces (DME).Jonathan Cross RN

NAME:

(PRINT)

TITLE:

SIGNATURE:

ORIG:
CCC-File
Facility Disciplinary Officer
Inmate

DATE:

CSP-LAC

INJURY DOCUMENTATION

GENERAL CHRONO

EXHIBIT II

Los Angeles County

Updated: January 2020

INCIDENT PACKAGE PROCESSING COVER

Ident Title: Battery on a Peace Officer Resulting in the Use of Force
 Log Number: 5339
 te Incident Occurred: April 14, 2020 Time: 1828 Location: ASU Wet Tank

/R Log Number(s):
 ending I/M [REDACTED] CDC # [REDACTED] SUSPECT
 I/M [REDACTED] CDC # [REDACTED] SUSPECT / VICTIM
 I/M [REDACTED] CDC # [REDACTED] SUSPECT / VICTIM
 I/M [REDACTED] CDC # [REDACTED] SUSPECT / VICTIM

shots Fired? ☐ YES ☐ NO How Many? Type of Weapon?
 inmates Mirandized? ☐ YES ☒ NO Evidence Marked/Processed? ☐ YES ☒ NO Placed in Locker # N/A
 field Tested? ☐ YES ☐ NO ☒ N/A Lab Analysis? ☐ YES ☐ NO ☒ N/A Date Lab Report Received: N/A

UPON COMPLETION OF INCIDENT COMMANDER REVIEW, EMAIL PDF TO ISU
 COMPLETED PACKAGE IN SOMS DUE WITHIN 3 DAYS TO THE CAPTAIN
 COMPLETED PACKAGE DUE WITHIN 5 DAYS TO THE CORRECTIONAL ADMINISTRATOR
 COMPLETED PACKAGE DUE WITHIN 2 DAYS TO UOF

REVIEWED BY:

1 [REDACTED]
 2 [REDACTED]

3. E. Jordan, Correctional Administrator

4 [REDACTED]

5. IERC/DERC Complete

6. ISU

4/14/2020 [Signature]
 (Date & Initials)

(Date & Initials)

(Date & Initials)

(Date & Initials)

(Date)

(Date & Initials)

Comments:

LEFT SIDE OF PACKAGE

- ☐ Death Notification Attachments A-D
☐ Mental Health Referrals
☐ Escape Check List
☒ Gold Cards
☐ 2152 Employee Report of Sexual Misconduct
☐ 844 Training Sheets
☐ Videos

RIGHT SIDE OF PACKAGE- DOCS TO BE SCANNED

- ☒ 7219s
☐ Holding Cell Log(s)
☐ Lab Results / Field Test Results
☐ Photos
☐ 128B Enemy Clearance Chronos

CDCR
REPORT NO. IRTR161 - 12

INCIDENT REPORT PACKAGE
INCIDENT LOG NUMBER: 000000000005339

PAGE: 1
PROCESSED: 04/16/2020 10:41
REQUESTOR: J. Anderson

INCIDENT REPORT SUMMARY

INSTITUTION/PAROLE REGION: LAC - California State Prison, Los Angeles County
REPORTING FACILITY/PAROLE UNIT: LAC-Z - LAC-STRH
INCIDENT DATE: 04/11/2020
DISCOVERY DATE: 04/11/2020
WATCH: 3rd Watch

INCIDENT TIME: 18:28:00
DISCOVERY TIME: 18:28:00

STATUS: Open

AS OF DATE: 04/11/2020

CRISIS RESPONSE TEAM ACTIVATED: No

OA REFERRAL ELIGIBLE: No

AREA/LOCATION: HOLDING CELL

HOUSING PROGRAM ASSIGNMENT: Administrative Segregation Unit

ASU YARD TYPE: Not Applicable

VIDEO SURVEILLANCE OF INCIDENT: Not Applicable

INCIDENT CATEGORY

INCIDENT TYPE

Use of Force

Immediate

SYNOPSIS

On Saturday, April 11, 2020, at approximately 1828 hours, Inmate () committed the act of Battery on a Peace Officer Resulting in the Use of Force (physical, hand-held baton), while being temporarily housed in the ASU Wet Tank.

IMMEDIATE NOTIFICATIONS

NONE

DOJ REPORTABLE: Not Applicable

HIGH PROFILE INCIDENT: No

NAME OF ASSISTING LEA:

MUTUAL-AID/LEA: Not Applicable

MAJOR MEDIA ATTENTION: No

NAME OF MEDIA:

INCIDENT STG NEXUS: No

STG NAME

STG SET

STG SUBSET

NONE

STG NOT LISTED

NONE

UNCONTROLLED WEAPONS

QUANTITY

Not Applicable

CONTROLLED SUBSTANCES

QUANTITY

QUANTITY TYPE

Not Applicable

0

CDCR
REPORT NO. IRT161 - 12

INCIDENT REPORT PACKAGE
INCIDENT LOG NUMBER: 00000000005339

PAGE: 2
PROCESSED: 04/16/2020 10:41
REQUESTOR: J. Anderson

STAFF INVOLVED

ASSIGNED INSTITUTION/PAROLE REGION: LAC - California State Prison, Los Angeles
ASSIGNED FACILITY/PAROLE UNIT: LAC-A - LAC-Facility A

STAFF NAME: [REDACTED]
TITLE: Lt.
STAFF TYPE: Peace Officer

POST DESCRIPTION: A PROGRAM LIEUTENANT
CELL FRONT USE OF FORCE: Not Applicable

INVOLVEMENT TYPE

Incident Commander

TYPE OF FORCE USED BY
REPORTING STAFF

NUMBER OF SHOTS
FIRED/DEPLOYMENTS/STRIKES

REPORTABLE USE OF
FORCE RESULT

Not Applicable

REPORTABLE INJURY

INJURY LOCATION

SBI TYPE

Not Applicable

DESCRIPTION OF INJURY

NONE

TREATMENT:

LOCATION CARE PROVIDED:

REPORTABLE DEATH: Not Applicable
DATE OF DEATH:

MANNER OF DEATH:

STAFF VEHICLE INVOLVED

STAFF VEHICLE INVOLVED: Not Applicable
VEHICLE TYPE:
MAKE:
COLOR:

PLATE #:
VEHICLE YEAR:
MODEL:

CDCR
REPORT NO. IRTR161 - 12

INCIDENT REPORT PACKAGE
INCIDENT LOG NUMBER: 000000000005339

PAGE: 3
PROCESSED: 04/16/2020 10:41
REQUESTOR: J. Anderson

STAFF INVOLVED

ASSIGNED INSTITUTION/PAROLE REGION: LAC - California State Prison, Los Angeles ASSIGNED FACILITY/PAROLE UNIT: LAC-2 ^{County} - LAC-STRH	STAFF NAME: [REDACTED] TITLE: (A) SGT STAFF TYPE: Peace Officer

POST DESCRIPTION: Z PROGRAM SGT ASU CELL FRONT USE OF FORCE: Not Applicable

INVOLVEMENT TYPE Response Supervisor Force Observed

TYPE OF FORCE USED BY REPORTING STAFF	NUMBER OF SHOTS FIRED/DEPLOYMENTS/STRIKES	REPORTABLE USE OF FORCE RESULT
Not Applicable		

REPORTABLE INJURY	INJURY LOCATION	SBI TYPE
Not Applicable		

DESCRIPTION OF INJURY
NONE
TREATMENT:
LOCATION CARE PROVIDED:

REPORTABLE DEATH: Not Applicable DATE OF DEATH:	MANNER OF DEATH:

STAFF VEHICLE INVOLVED	
STAFF VEHICLE INVOLVED: Not Applicable VEHICLE TYPE: MAKE: COLOR:	PLATE #: VEHICLE YEAR: MODEL:

CDCR
REPORT NO. IRTR161 - 12

INCIDENT REPORT PACKAGE
INCIDENT LOG NUMBER: 000000000005339

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REQUESTOR: J. Anderson

STAFF INVOLVED

ASSIGNED INSTITUTION/PAROLE REGION: LAC - California State Prison, Los Angeles
ASSIGNED FACILITY/PAROLE UNIT: LAC-S - LAC-Central Service

STAFF NAME: [REDACTED]
TITLE: C/O
STAFF TYPE: Peace Officer

POST DESCRIPTION: HCA ESCORT
CELL FRONT USE OF FORCE: Not Applicable

INVOLVEMENT TYPE

Responder
Escort

TYPE OF FORCE USED BY
REPORTING STAFF

NUMBER OF SHOTS
FIRED/DEPLOYMENTS/STRIKES

REPORTABLE USE OF
FORCE RESULT

Not Applicable

REPORTABLE INJURY

INJURY LOCATION

SBI TYPE

Not Applicable

DESCRIPTION OF INJURY

NONE

TREATMENT:

LOCATION CARE PROVIDED:

REPORTABLE DEATH: Not Applicable
DATE OF DEATH:

MANNER OF DEATH:

STAFF VEHICLE INVOLVED

STAFF VEHICLE INVOLVED: Not Applicable
VEHICLE TYPE:
MAKE:
COLOR:

PLATE #:
VEHICLE YEAR:
MODEL:

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STAFF INVOLVED

ASSIGNED INSTITUTION/PAROLE REGION: LAC - California State Prison, Los Angeles
ASSIGNED FACILITY/PAROLE UNIT: LAC-Z - LAC-STRH

STAFF NAME: Fekrat, Marco
TITLE: Psych. Tech.
STAFF TYPE: Health Care Staff

POST DESCRIPTION: ASU PT
CELL FRONT USE OF FORCE: Not Applicable

INVOLVEMENT TYPE

Medical Assessment

TYPE OF FORCE USED BY
REPORTING STAFF

NUMBER OF SHOTS
FIRED/DEPLOYMENTS/STRIKES

REPORTABLE USE OF
FORCE RESULT

Not Applicable

REPORTABLE INJURY

INJURY LOCATION

SBI TYPE

Not Applicable

DESCRIPTION OF INJURY

NONE

TREATMENT:

LOCATION CARE PROVIDED:

REPORTABLE DEATH: Not Applicable
DATE OF DEATH:

MANNER OF DEATH:

STAFF VEHICLE INVOLVED

STAFF VEHICLE INVOLVED: Not Applicable
VEHICLE TYPE:
MAKE:
COLOR:

PLATE #:
VEHICLE YEAR:
MODEL:

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STAFF INVOLVED

ASSIGNED INSTITUTION/PAROLE REGION: LAC - California State Prison, Los Angeles
ASSIGNED FACILITY/PAROLE UNIT: LAC-D - LAC-Facility D

STAFF NAME: [REDACTED]
TITLE: Sergeant
STAFF TYPE: Peace Officer

POST DESCRIPTION: Facility D Sergeant
CELL FRONT USE OF FORCE: Not Applicable

INVOLVEMENT TYPE

Use of Force Video Camera Operator

TYPE OF FORCE USED BY
REPORTING STAFF

NUMBER OF SHOTS
FIRED/DEPLOYMENTS/STRIKES

REPORTABLE USE OF
FORCE RESULT

Not Applicable

REPORTABLE INJURY

INJURY LOCATION

SBI TYPE

Not Applicable

DESCRIPTION OF INJURY

NONE

TREATMENT:

LOCATION CARE PROVIDED:

REPORTABLE DEATH: Not Applicable

MANNER OF DEATH:

DATE OF DEATH:

STAFF VEHICLE INVOLVED

STAFF VEHICLE INVOLVED: Not Applicable

PLATE #:

VEHICLE TYPE:

VEHICLE YEAR:

MAKE:

MODEL:

COLOR:

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STAFF INVOLVED

ASSIGNED INSTITUTION/PAROLE REGION: LAC - California State Prison, Los Angeles
ASSIGNED FACILITY/PAROLE UNIT: LAC-2 - LAC-STRH

STAFF NAME: [REDACTED]
TITLE: Sergeant
STAFF TYPE: Peace Officer

POST DESCRIPTION: ASU Sergeant
CELL FRONT USE OF FORCE: Not Applicable

INVOLVEMENT TYPE

Use of Force Video Interviewer

TYPE OF FORCE USED BY
REPORTING STAFFNUMBER OF SHOTS
FIRED/DEPLOYMENTS/STRIKESREPORTABLE USE OF
FORCE RESULT

Not Applicable

REPORTABLE INJURY

INJURY LOCATION

SBI TYPE

Not Applicable

DESCRIPTION OF INJURY

NONE

TREATMENT:

LOCATION CARE PROVIDED:

REPORTABLE DEATH: Not Applicable
DATE OF DEATH:

MANNER OF DEATH:

STAFF VEHICLE INVOLVED

STAFF VEHICLE INVOLVED: Not Applicable
VEHICLE TYPE:
MAKE:
COLOR:

PLATE #:
VEHICLE YEAR:
MODEL:

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STAFF INVOLVED

ASSIGNED INSTITUTION/PAROLE REGION: LAC - California State Prison, Los Angeles
ASSIGNED FACILITY/PAROLE UNIT: ^{County} LAC-S - LAC-Central Service

STAFF NAME: [REDACTED]
TITLE: RN
STAFF TYPE: Health Care Staff

POST DESCRIPTION: TTA RN
CELL FRONT USE OF FORCE: Not Applicable

INVOLVEMENT TYPE

Medical Assessment

TYPE OF FORCE USED BY
REPORTING STAFF

NUMBER OF SHOTS
FIRED/DEPLOYMENTS/STRIKES

REPORTABLE USE OF
FORCE RESULT

Not Applicable

REPORTABLE INJURY

INJURY LOCATION

SBI TYPE

Not Applicable

DESCRIPTION OF INJURY

NONE

TREATMENT:

LOCATION CARE PROVIDED:

REPORTABLE DEATH: Not Applicable
DATE OF DEATH:

MANNER OF DEATH:

STAFF VEHICLE INVOLVED

STAFF VEHICLE INVOLVED: Not Applicable
VEHICLE TYPE:
MAKE:
COLOR:

PLATE #:
VEHICLE YEAR:
MODEL:

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STAFF INVOLVED

ASSIGNED INSTITUTION/PAROLE REGION: LAC - California State Prison, Los Angeles	STAFF NAME: [REDACTED]
ASSIGNED FACILITY/PAROLE UNIT: ^{County} LAC-S - LAC-Central Service	TITLE: RN
	STAFF TYPE: Health Care Staff

POST DESCRIPTION: TTA RN
CELL FRONT USE OF FORCE: Not Applicable

INVOLVEMENT TYPE
Medical Assessment

TYPE OF FORCE USED BY REPORTING STAFF	NUMBER OF SHOTS FIRED/OEPLOYMENTS/STRIKES	REPORTABLE USE OF FORCE RESULT
Not Applicable		

REPORTABLE INJURY	INJURY LOCATION	SBI TYPE
Not Applicable		

DESCRIPTION OF INJURY
NONE
TREATMENT:
LOCATION CARE PROVIDED:

REPORTABLE DEATH: Not Applicable	MANNER OF DEATH:
DATE OF DEATH:	

STAFF VEHICLE INVOLVED	
STAFF VEHICLE INVOLVED: Not Applicable	PLATE #:
VEHICLE TYPE:	VEHICLE YEAR:
MAKE:	MODEL:
COLOR:	

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STAFF INVOLVED

ASSIGNED INSTITUTION/PAROLE REGION: LAC - California State Prison, Los Angeles
ASSIGNED FACILITY/PAROLE UNIT: LAC-Z - LAC-STRH

STAFF NAME: [REDACTED]
TITLE: C/O
STAFF TYPE: Peace Officer

POST DESCRIPTION: Z FLOOR ASU 1
CELL FRONT USE OF FORCE: Not Applicable

INVOLVEMENT TYPE

Responder
Force Used
Victim
Force Observed
Evidence

TYPE OF FORCE USED BY REPORTING STAFF

NUMBER OF SHOTS FIRED/DEPLOYMENTS/STRIKES

REPORTABLE USE OF FORCE RESULT

Physical Strengths and Holds

1

Effective

REPORTABLE INJURY

INJURY LOCATION

SBI TYPE

Minor

Arms/Hands

DESCRIPTION OF INJURY

Right hand - abrasion/scratch, swollen area, pain, reddened area.

TREATMENT: Treated and Released

LOCATION CARE PROVIDED: Both

REPORTABLE DEATH: Not Applicable

MANNER OF DEATH:

DATE OF DEATH:

STAFF VEHICLE INVOLVED

STAFF VEHICLE INVOLVED: Not Applicable

VEHICLE TYPE:

MAKE:

COLOR:

PLATE #:

VEHICLE YEAR:

MODEL:

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STAFF INVOLVED

ASSIGNED INSTITUTION/PAROLE REGION: LAC - California State Prison, Los Angeles
ASSIGNED FACILITY/PAROLE UNIT: County LAC-Z - LAC-STRH

STAFF NAME: [REDACTED]
TITLE: C/O
STAFF TYPE: Peace Officer

POST DESCRIPTION: HCA Z ESCRT MH 1
CELL FRONT USE OF FORCE: Not Applicable

INVOLVEMENT TYPE

Responder
Force Used
Victim
Force Observed

TYPE OF FORCE USED BY
REPORTING STAFFNUMBER OF SHOTS
FIRED/DEPLOYMENTS/STRIKESREPORTABLE USE OF
FORCE RESULT

Physical Strengths and Holds

1

Not Effective

REPORTABLE INJURY

INJURY LOCATION

SBI TYPE

Minor

Legs/Feet

DESCRIPTION OF INJURY

Left Knee- Pain, Reddened Area

TREATMENT: Treated and Released

LOCATION CARE PROVIDED: Institution Facility

REPORTABLE DEATH: Not Applicable
DATE OF DEATH:

MANNER OF DEATH:

STAFF VEHICLE INVOLVED

STAFF VEHICLE INVOLVED: Not Applicable
VEHICLE TYPE:
MAKE:
COLOR:

PLATE #:
VEHICLE YEAR:
MODEL:

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STAFF INVOLVED

ASSIGNED INSTITUTION/PAROLE REGION: LAC - California State Prison, Los Angeles
ASSIGNED FACILITY/PAROLE UNIT: County LAC-Z - LAC-STRH

STAFF NAME: [REDACTED]
TITLE: C/O
STAFF TYPE: Peace Officer

POST DESCRIPTION: Z SEC PAT ASU 2
CELL FRONT USE OF FORCE: Not Applicable

INVOLVEMENT TYPE

Responder
Force Used
Force Observed
Victim

TYPE OF FORCE USED BY
REPORTING STAFF

Hand-held Baton

NUMBER OF SHOTS
FIRED/DEPLOYMENTS/STRIKES

3

REPORTABLE USE OF
FORCE RESULT

Effective

REPORTABLE INJURY

Minor

INJURY LOCATION

Arms/Hands

SBI TYPE

DESCRIPTION OF INJURY

Right hand - abrasion/scratch, swollen area, pain, reddened area.

TREATMENT: Treated and Released.

LOCATION CARE PROVIDED: Institution Facility

REPORTABLE DEATH: Not Applicable
DATE OF DEATH:

MANNER OF DEATH:

STAFF VEHICLE INVOLVED

STAFF VEHICLE INVOLVED: Not Applicable
VEHICLE TYPE:
MAKE:
COLOR:

PLATE #:
VEHICLE YEAR:
MODEL:

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STAFF INVOLVED

ASSIGNED INSTITUTION/PAROLE REGION: LAC - California State Prison, Los Angeles
ASSIGNED FACILITY/PAROLE UNIT: LAC-2 - LAC-STRH

STAFF NAME: [REDACTED]
TITLE: C/O
STAFF TYPE: Peace Officer

POST DESCRIPTION: Z SEC PAT ASU 1
CELL FRONT USE OF FORCE: Not Applicable

INVOLVEMENT TYPE

Primary
Force Used
Victim
Force Observed
Evidence

TYPE OF FORCE USED BY
REPORTING STAFFNUMBER OF SHOTS
FIRED/DEPLOYMENTS/STRIKESREPORTABLE USE OF
FORCE RESULT

Physical Strengths and Holds
Hand-held Baton

2
2

Not Effective
Not Effective

REPORTABLE INJURY

INJURY LOCATION

SBI TYPE

Minor

Head

DESCRIPTION OF INJURY

Face - abrasion/scratch, dried blood, swollen area, pain, reddened area.

TREATMENT: Treated and Released

LOCATION CARE PROVIDED: Institution Facility

REPORTABLE DEATH: Not Applicable
DATE OF DEATH:

MANNER OF DEATH:

STAFF VEHICLE INVOLVED

STAFF VEHICLE INVOLVED: Not Applicable
VEHICLE TYPE:
MAKE:
COLOR:

PLATE #:
VEHICLE YEAR:
MODEL:

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OFFENDER INVOLVED

CDC #: [REDACTED]
MENTAL HEALTH CODE: MHC - Mental Health Crisis Beds Inpatient
DPPV CODE: .../DNH/.../.../...
RACE: White
CONTROL DATE: TBD
INVOLVEMENT TYPE: Suspect
VIOLENCE TYPE: Battery
EXTRACTION: Immediate Extraction

OFFENDER NAME: [REDACTED]
DDP CODE: NCF
GENDER: Male
ETHNICITY: White
TYPE: None
RVR LOG #:

SECURITY LEVEL: Level 4
HOUSING PROGRAM: Short Term Restricted Housing
PLACEMENT SCORE: 176
CUSTODY CLASSIFICATION: Maximum

CONTROLLED WEAPONS

Bodily Fluid Blood

REPORTABLE INJURY

INJURY LOCATION

SBI TYPE

SBI by Use of Force	Head	Wound Requiring Extensive Suturing
SBI by Use of Force	Arms/Hands	Bone Fracture
Minor	Neck/throat	
Minor	Arms/Hands	
Minor	Legs/Feet	

DESCRIPTION OF INJURY

Head - active bleeding, cut/laceration/slash, Face - active bleeding, cut/laceration/slash x2, dried blood, Neck - pain, Left arm - pain, dried blood, Right arm - dried blood, Right leg - swollen area, bruise/discolored area.

TREATMENT: Treated and Released

LOCATION CARE PROVIDED: Both

REPORTABLE DEATH: Not Applicable
DATE OF DEATH:

MANNER OF DEATH:

VIDEO INTERVIEW: SBI from UOF
VIDEO FOLLOWED POLICY: Yes

VIDEO INTERVIEW W/ 48 HOURS: Yes

ARREST

ARRESTED NEW/PENDING
CHARGES: Not Applicable
ARRESTING AGENCY:
REPORT NUMBER:
BOOKING NUMBER:
CUSTODY LOCATION:
OFFENSE TITLE/CODE:

STG AFFILIATIONS

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NONE

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STAFF NARRATIVE

STAFF NAME: [REDACTED]
CREATED DATE: 04/14/2020

NARRATIVE TYPE: Initial Report
CREATED TIME: 07:09:21

NARRATIVE

PRECIPITATING EVENTS:

On Saturday, April 11, 2020, at approximately 1828 hours, Inmate [REDACTED] was placed in the ASU wet cell pending a suicide risk assessment. Once secure in the wet cell, [REDACTED] refused to submit to an unclothed body search and began to cover up the windows with paper, preventing Custody from viewing inside and ensuring his safety. As a result, an Emergency Cell Rescue Team was initiated. Upon Custody making entry, [REDACTED] advanced towards the Emergency Cell Rescue Team, subsequently battering five Officers and exposing two of them to bodily fluids. Physical force and hand-held baton were utilized to subdue [REDACTED]'s attack, overcome his active physical resistance and secure him in restraints. [REDACTED] was placed on a gurney and transported to the Triage Treatment Area, and subsequently transported to an outside hospital for a higher level of care.

On Sunday, April 12, 2020, at approximately 0800 hours, an Injury Information Chrono CDCR 128C authored by Registered Nurse J. Cross was received noting the following Serious Bodily Injury Inmate [REDACTED] sustained; Bone Fracture - (left acromion closed fracture, left shoulder), sutures received 14 total - (2-left eyebrow, 3 left eyelid, 6 top scalp, 3 back of scalp). Bilateral wrists having minor dislocations was also noted within the comments of the 128C.

ALARM:

Officer R. [REDACTED] activated the Housing Unit Alarm.

USE OF FORCE:

Officers R. [REDACTED] utilized hand-held baton and physical force as a result of this incident.

Officers D. [REDACTED] utilized physical force as a result of this incident.

SUSPECT(S):

Inmate [REDACTED]

VICTIM(S):

Officers [REDACTED]

WITNESS(ES):

N/A

EVIDENCE:

A series of digital photographs were taken of the following Officers injuries they sustained; [REDACTED]

ESCORTS:

Officers [REDACTED] escorted Inmate [REDACTED] from the incident site to TTA.

HOLDING CELL(S):

N/A

DECONTAMINATION:

N/A

MEDICAL:

Registered Nurse A. Aro completed a CDCR-7219 Medical Report of Injury or Unusual Occurrence on Inmate [REDACTED] noting following injuries; Head - active bleeding, cut/laceration/slash, Face - active bleeding, cut/laceration/slash x2, dried blood, Neck - pain, Left arm - pain, dried blood, Right arm - dried blood, Right leg - swollen area, bruise/discolored area.

Registered J. Mullins completed a CDCR-7219 Medical Report of Injury or Unusual Occurrence on Officer [REDACTED] noting the following injuries; Right hand - abrasion/scratch, swollen area, pain, reddened area.

Registered Nurse J. Mullins completed a CDCR-7219 Medical Report of Injury or Unusual Occurrence on Officer [REDACTED] noting the following injuries; Face - abrasion/scratch, dried blood, swollen area, pain, reddened area.

Registered Nurse J. Mullins completed a CDCR-7219 Medical Report of Injury or Unusual Occurrence on Officer [REDACTED] noting the following injuries; Right hand - abrasion/scratch, swollen area, pain, reddened area.

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STAFF NARRATIVE

Registered Nurse A. Aro completed a CDCR-7219 Medical Report of Injury or Unusual Occurrence on Officer [REDACTED] noting no injuries, and documenting the following statement made by Flores, "The inmate spit at me and it landed in my mouth."

Registered Nurse A. Aro completed a CDCR-7219 Medical Report of Injury or Unusual Occurrence on Officer [REDACTED] noting the following injuries; Left leg - pain, reddened area.

VIDEO INTERVIEW(S):

On Sunday, April 12, 2020, a Video Recorded Interview was conducted with Inmate [REDACTED] by Sergeant [REDACTED].

NOTIFICATIONS:

(AOD) Associate Warden M. Stratman was notified of this incident.
CCPOA Representative Sergeant R. Davis was notified of this incident.
Captain [REDACTED] was notified of this incident.
Office of Inspector General N. Winter was notified of this incident.
Office of Internal Affairs Agent R. Alvarado was notified of this incident.
HQ AOD was notified of this incident.

ESCAPE(S):

N/A

CONCLUSION:

Inmate [REDACTED] will be issued a CDCR Rules Violation Report for Violation of California Code of Regulations (CCR), Title 15, Section 3005 (d) 1 for the specific act of Battery on a Peace Officer.

DATE: 04/14/2020

STAFF SIGNATURE

BADGE #: 68191

PERNR: 31035

NARRATIVE REVIEWED: No.
REVIEWED DATE:

REVIEWED BY STAFF:
REVIEWED TIME:

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REQUESTOR: J. Anderson

STAFF NARRATIVE

STAFF NAME: [REDACTED]
CREATED DATE: 04/12/2020NARRATIVE TYPE: Initial Report
CREATED TIME: 04:01:48

NARRATIVE

While performing my duties as Z Program SGT ASU, I was informed by [REDACTED] that Inmate [REDACTED] was claiming to be suicidal and placed in wet tank # [REDACTED]. I was then informed that the inmate was refusing to strip out and had begun covering his windows with paper that he produced from somewhere inside his clothing. Once the windows were covered the inmate refused to respond to the floor officers. Due to the inmate claiming to be suicidal and his lack of response, for the safety of the inmate, an emergency cell rescue was conducted. Officer [REDACTED] made a request for a code one medical response via the institutional radio and activated his Personal Alarm Device (PAD). Once the appropriate amount of staff arrived at the wet tank and were prepared to make entry, Officer [REDACTED] opened the door and I observed Officer [REDACTED] who was holding the shield, enter the wet tank. Officer [REDACTED] was followed by Officer [REDACTED] who held the handcuffs, Officer [REDACTED] who held a baton, and Officer [REDACTED] who held leg restraints. I saw the shield make contact with Inmate [REDACTED]'s foot causing the shield to hit officer [REDACTED] knee, however, once the extraction team was fully inside the wet tank, from where I stood outside the wet tank, near the sign in desk, I couldn't see any of what was going on inside. I heard several shots to stop resisting come from inside the wet tank. I observed Officer [REDACTED] respond from down the hall and enter the wet tank. I heard someone inside the wet tank say "We need Mary 3." I made a request for Mary 3 to respond to ASU via the institutional radio. Once the floor officers had Inmate [REDACTED] in restraints they held him in place and waited for Mary 3 to respond. Due to my position, I could not see how staff managed to place the inmate in restraints. Upon Mary 3 arriving to ASU I met them at the door and informed them of what was going on. Officer [REDACTED] walked the inmate out of the wet tank and helped him onto the gurney. Officer [REDACTED] and Mary 3 officer R. [REDACTED] escorted the inmate out of the building. Officer [REDACTED] Officer [REDACTED] each had 7219's done to document the injuries that they sustained. Officer [REDACTED] retrieved the evidence camera from Central Control pictures were taken to document the injuries that the officers sustained. Officer [REDACTED] submitted the camera into the A/B sub evidence locker #23.

DATE: 04/12/2020

STAFF SIGNATURE

BADGE #: 82013

PERNR: 80101

NARRATIVE REVIEWED: Yes
REVIEWED DATE: 04/14/2020REVIEWED BY STAFF: [REDACTED]
REVIEWED TIME: 10:16:26STAFF NAME: [REDACTED]
CREATED DATE: 04/12/2020NARRATIVE TYPE: Initial Report
CREATED TIME: 17:21:43

NARRATIVE

While performing my duties as HCA CHB ESCORT TTA I responded to a request for Mary 3 at ASU1. Upon my arrival at ASU [REDACTED] met me at the door and informed of the cell rescue. The Treatment Triage Area (TTA) escort nurse pushed the gurney into ASU. ASU staff placed Inmate [REDACTED] onto the gurney. Officer [REDACTED] escorted Inmate [REDACTED] with the TTA escort nurse, and placed the gurney into the back of the TTA Ambulance (Mary 3). I drove the ambulance to TTA. Officer [REDACTED] the TTA Escort nurse took the inmate on the gurney, out of the back of the ambulance. Officer [REDACTED] the TTA Escort nurse and myself brought Inmate [REDACTED] into TTA with no further incident.

DATE: 04/12/2020

STAFF SIGNATURE

BADGE #: 71279

PERNR: 41288

NARRATIVE REVIEWED: Yes
REVIEWED DATE: 04/14/2020REVIEWED BY STAFF: [REDACTED]
REVIEWED TIME: 10:17:31

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STAFF NARRATIVE

STAFF NAME: [REDACTED]
CREATED DATE: 04/12/2020

NARRATIVE TYPE: Initial Report
CREATED TIME: 05:33:26

NARRATIVE

On Saturday April 11, 2020, at approximately 1750 hours while performing my duties as ASU-1 Floor Officer 1, I was asked by Correctional Officer [REDACTED] to conduct a search of the wet tank due to the fact that Inmate [REDACTED] ASU1- [REDACTED] stated to [REDACTED] that he was suicidal. I searched the wet tank having negative results for contraband. At approximately 1828 I was alerted via institutional radio of a code 1 medical emergency in ASU-1 followed by an audible alarm. Upon my arrival to the wet tank Correctional Officer [REDACTED] were already at the wet tank giving Inmate [REDACTED] verbal orders to remove the paper covering the windows having negative results. In an attempt to make visual contact with Inmate [REDACTED] Officer [REDACTED] placed the shield in front of the security port and Officer [REDACTED] opened the security port to discover that [REDACTED] covered the port with additional paper. Having failed to get [REDACTED] to respond we put on our helmets and made entry into the wet tank. Inmate [REDACTED] kicked the shield and Officer [REDACTED] struck [REDACTED] with the shield pushing [REDACTED] to the back wall of the cell. Inmate [REDACTED] made a pivot to his left putting himself in front of Officer [REDACTED] gave [REDACTED] a direct order to stop resisting, having negative results Inmate [REDACTED] struck Officer [REDACTED] in the groin. Officer [REDACTED] bent over in pain and Inmate [REDACTED] wrapped his arm around Officer [REDACTED] neck and began to choke him. While Inmate [REDACTED] arm was wrapped around [REDACTED] neck in an attempt to overcome [REDACTED] ongoing physical resistance and subdue the attack, I observed Officer [REDACTED] utilize his baton and perform one hammer strike, striking Inmate [REDACTED] in the left shoulder having negative results. Officer [REDACTED] assessed and utilized a second hammer strike, striking [REDACTED] again in the left shoulder again having negative results. With [REDACTED] arm still wrapped around Officer [REDACTED] neck Officer [REDACTED] again assessed and utilized a third hammer but due Inmate [REDACTED] erratic and violent movements Officer [REDACTED] inadvertently struck [REDACTED] in the back of the head. Inmate [REDACTED] released Officer [REDACTED] and using physical strengths and holds I grabbed [REDACTED] right shoulder with my right hand, placed my left hand on [REDACTED] back, and began to push him down onto the bench located inside the wet tank. Officer [REDACTED] still with the shield in hand used his body weight and applied downward pressure with shield on [REDACTED] back to assist me in pushing [REDACTED] down onto the bench. When Inmate [REDACTED] fell onto the bench Officer [REDACTED] and I held down Inmate [REDACTED] on his stomach under the shield. Officer [REDACTED] was attempting to put the leg restraints on Inmate [REDACTED] Inmate [REDACTED] kicked Officer [REDACTED] and refused to submit to leg restraints, due [REDACTED] still ongoing resistance by kicking Officer [REDACTED] gave one verbal command to stop resisting having negative results. In an effort to effect custody Officer [REDACTED] un-holstered his baton and used one forward strike striking [REDACTED] in the right leg. Inmate [REDACTED] continued to kick aggressively and wildly, Officer [REDACTED] gave a verbal command of stop resisting which [REDACTED] did not comply and Officer [REDACTED] used a second forward strike striking [REDACTED] right leg. Officer [REDACTED] gave another verbal command to stop resisting this time having positive results, Officer [REDACTED] was able to place Inmate [REDACTED] legs in restraints. While Officer [REDACTED] and I were holding down the shield on [REDACTED] back, [REDACTED] began to frantically and violently attempt to punch me in the leg. It was at this time Correctional officer [REDACTED] entered the wet tank and grabbed Inmate [REDACTED] wrists with his hands. While Officer [REDACTED] maintained control of Inmate [REDACTED] hands by grabbing [REDACTED] right wrist with his left hand and grabbing [REDACTED] left wrist with his right hand. Inmate [REDACTED] shouted I'm going to infect all of you Fuckers with HIV (Human Immunodeficiency Virus). [REDACTED] immediately lifted up his head and spit towards Officer [REDACTED] and myself, the blood splatter struck Officer [REDACTED] in the mouth and facial area. Officer [REDACTED] released Inmate [REDACTED] due his sudden exposure to blood, I put my right hand on [REDACTED] head and utilized physical force and my body weight to push [REDACTED] head down onto the bench in an effort to subdue an attack as well as to prevent [REDACTED] from gassing any other persons. I advised Officer [REDACTED] to retrieve a spit mask, Officer [REDACTED] returned with the spit mask and handed it to me. I gave [REDACTED] a verbal order to stop moving which he complied and I applied the spit mask onto [REDACTED] head. Once the spit mask was applied Inmate [REDACTED] stopped his ongoing physical resistance. Officer [REDACTED] gave an order for [REDACTED] to put his hand behind his back and submit to handcuffs which [REDACTED] complied. The handcuffs were applied and a clothed body search was conducted by Officer [REDACTED] having negative results for contraband. Officer [REDACTED] and I assisted [REDACTED] to his feet and placed him on the gurney, once secured on the gurney Inmate [REDACTED] was taken to the TTA (Treatment Triage Area) via Mary 3 (Institutional Ambulance). I went to the TTA to have a 7219 Medical evaluation complete for my documented injuries and exposures. I was advised by Medical staff to go to AVH (Antelope Valley Hospital) for further evaluation of my injuries and exposures, I was subsequently cleared and returned to work. When I returned to the institution I took pictures of all documented injuries of Officers [REDACTED] took three pictures of me and my injuries. This concludes my involvement in this incident.

DATE: 04/12/2020

STAFF SIGNATURE

BADGE #: 86493

PERNR: 96532

NARRATIVE REVIEWED: Yes
REVIEWED DATE: 04/14/2020

REVIEWED BY STAFF: [REDACTED]
REVIEWED TIME: 10:17:16

CDCR
REPORT NO. IRT161 - 12

INCIDENT REPORT PACKAGE
INCIDENT LOG NUMBER: 00000000005339

PAGE: 20
PROCESSED: 04/16/2020 10:41
REQUESTOR: J. Anderson

STAFF NARRATIVE

STAFF NAME: [REDACTED]
CREATED DATE: 04/12/2020

NARRATIVE TYPE: Initial Report
CREATED TIME: 21:42:33

NARRATIVE

On April 11, 2020 at approximately 1828 hours, while conducting my duties as ASU Escort Mental Health 1, I responded to a call from Officer [REDACTED] requesting assistance for additional staff for a unresponsive Inmate later identified as Inmate [REDACTED] (ASU1-[REDACTED] in wet tank # [REDACTED]. I responded to the wet tank and observed what appeared to be paper covered on the windows. [REDACTED] ordered Inmate [REDACTED] to take down the paper covers off the window, but Inmate [REDACTED] did not respond. Officers [REDACTED] and I retrieved our helmets and riot shield, then I placed the riot shield on the security port to prevent the Inmate from reaching out while [REDACTED] looked through the security port to see visual of Inmate [REDACTED] but did not have visual due to the security port covered with paper. [REDACTED] notified Central Control of an unresponsive inmate in ASU-1, wet tank # [REDACTED] via Institutional Radio and activated his alarm. [REDACTED] then opened the wet tank door to ensure the safety of Inmate [REDACTED] and to remove the paper covers that prevented our line of sight. I immediately entered with the riot shield to prevent the Inmate from harming [REDACTED]. As I entered, Inmate [REDACTED] immediately stepped towards the shield and kicked the lower left part of the riot shield with his right foot. Due to the impact of Inmate [REDACTED]'s right foot, the lower left part of the riot shield struck my left knee as I moved into the wet tank, shifting my momentum towards Inmate [REDACTED]'s right side. Using one (1) strike with the riot shield to his right side of the body, I was able to push Inmate [REDACTED] towards the right corner of the wet tank, but due to my placement of the shield on Inmate [REDACTED]'s right side, Inmate [REDACTED] reached out with his left arm toward [REDACTED] who followed behind me and wrapped his left arm around [REDACTED]'s neck. At that point, [REDACTED] ordered Inmate [REDACTED] to stop resisting, but due to Inmate [REDACTED]'s noncompliance, [REDACTED] struck Inmate [REDACTED] on his left shoulder using his baton with negative results. I observed [REDACTED] order Inmate [REDACTED] a second time to stop resisting, but due to Inmate [REDACTED]'s noncompliance, Peruchio struck Inmate [REDACTED] a second time on his left shoulder using his baton with negative results. As Inmate [REDACTED] continued to choke [REDACTED], I observed [REDACTED] order Inmate [REDACTED] a third time to let go and stop resisting, but Inmate [REDACTED] did not comply, [REDACTED] struck Inmate [REDACTED] a third time towards his left shoulder using his baton, but due to Inmate [REDACTED]'s erratic movement, [REDACTED] struck Inmate [REDACTED] on his head area. [REDACTED] was able to get out of Inmate [REDACTED]'s choke hold. I then observed [REDACTED] grabbing the back area of Inmate [REDACTED]'s right shoulder with his left hand and the front area with his right hand, forcing him downward to the bench in a prone position. I followed with Inmate [REDACTED] downward fall and continued to apply pressure with the riot shield onto Inmate [REDACTED] back area with [REDACTED] using our body weight. [REDACTED] proceeded to apply leg restraints, but Inmate [REDACTED] was kicking his feet. [REDACTED] ordered Inmate [REDACTED] to stop resisting, but Inmate [REDACTED] continued to kick and I heard what appeared to be a baton strike. Due to my position, I was unable to determine who used the force. [REDACTED] ordered Inmate [REDACTED] a second time to stop kicking, but Inmate [REDACTED] continued to kick and I heard what appeared to be a baton strike. Due to my position, I was unable to determine who used the force. Inmate [REDACTED] stopped kicking and the leg restraints were applied onto Inmate [REDACTED] but due to my position I was not able to see who applied them. At this point, Officer [REDACTED] responded and applied pressure on Inmate [REDACTED]'s arms due to his erratic movement with his arms. Inmate [REDACTED] proceeded to shout that he was going to infect all of us with HIV and gassed [REDACTED] by spitting blood towards his face. [REDACTED] then applied pressure onto Inmate [REDACTED]'s head area with his right hand with Inmate [REDACTED]'s face down. [REDACTED] applied the spit mask on Inmate [REDACTED] to keep him from gassing other responding staff. Inmate [REDACTED] stopped resisting and [REDACTED] ordered Inmate [REDACTED] to put his hands behind his back which he complied after I released pressure off the shield and handed it to [REDACTED]. [REDACTED] applied handcuffs on Inmate [REDACTED] and I conducted a clothed body search on Inmate [REDACTED] with negative results for weapons/contraband. At this time, Officer R. [REDACTED] responded with a gurney. [REDACTED] ordered Inmate [REDACTED] to get up on his feet using his own power which he complied and was placed onto the gurney. Officer [REDACTED] and I transported Inmate [REDACTED] to TTA (Triage Treatment Area). A medical evaluation (7219) was conducted at TTA and Inmate [REDACTED] was sent out to the hospital. A medical evaluation (7219) was conducted on my left knee at TTA and [REDACTED] took 2 pictures to document my injuries via institutional camera. This concludes my involvement in this incident.

DATE: 04/12/2020

STAFF SIGNATURE

BADGE #: 94490

PERNR: 123259

NARRATIVE REVIEWED: Yes
REVIEWED DATE: 04/14/2020

REVIEWED BY STAFF: [REDACTED]
REVIEWED TIME: 10:17:03

CDCR
REPORT NO. IRT161 - 12

INCIDENT REPORT PACKAGE
INCIDENT LOG NUMBER: 00000000005339

PAGE: 21
PROCESSED: 04/16/2020 10:41
REQUESTOR: J. Anderson

STAFF NARRATIVE

STAFF NAME: [REDACTED]
CREATED DATE: 04/12/2020

NARRATIVE TYPE: Initial Report
CREATED TIME: 05:30:02

NARRATIVE

On Saturday April 11, 2020, at approximately 1828 hours, while performing my duties as ASU-1 Security and Patrol 2 Officer, I was notified by Officer R. [REDACTED] that he required assistance at wet tank # [REDACTED] temporarily occupied and later identified by Inmate [REDACTED] ([REDACTED]). I responded to wet tank # [REDACTED] and observed that the windows were covered by sheets of paper. [REDACTED] was persistent with attempts to obtain a response from [REDACTED] but with negative results. With Officer D. [REDACTED] utilizing the shield to cover the food port, [REDACTED] opened the food port to obtain a visual of [REDACTED] but we observed that he also covered the food port with sheets of paper. While Correctional Officers [REDACTED] were present with the shield and helmets, R. [REDACTED] notified Central Control via institutional radio of an unresponsive inmate in wet tank # [REDACTED] in ASU-1 and activated his Personal Alarm Device. R. [REDACTED] opened the wet tank door followed by [REDACTED] utilizing the shield to enter the wet tank cell. I observed [REDACTED] taking steps towards the shield and kicking it with his right foot. At this time, [REDACTED] utilized the shield and his body weight to force [REDACTED] towards the back right corner and pinning him. However, [REDACTED] managed to avoid the shield once his back was against the wall by shifting his body to his left side that put him in front of [REDACTED]. [REDACTED] gave [REDACTED] commands to stop resisting, but [REDACTED] was not compliant. At this time, [REDACTED] struck [REDACTED] in the groin area with his left knee that resulted in [REDACTED] bending over and [REDACTED] wrapping his left arm around his neck. In order to gain compliance, effect custody, overcome resistance, and reasonably subdue an attacker, I assessed the threat and by utilizing my state issued Expandable Baton, I executed one hammer strike in a closed carry position striking my intended target on [REDACTED] left shoulder with the grip end cap. [REDACTED] maintained his left arm wrapped around [REDACTED] neck while I ordered [REDACTED] to stop resisting, yielding negative results. I reassessed the threat and executed a second hammer strike in a closed carry position striking my intended target on [REDACTED] left shoulder with the grip end cap, which was also not effective. I reassessed the threat and executed a third hammer strike in a closed carry position not striking my intended target on [REDACTED] left shoulder with the grip end cap; Due to [REDACTED] erratic movement and physical resistance, I inadvertently struck [REDACTED] mid-swing in the back of the head. At this time, [REDACTED] no longer had his left arm wrapped around [REDACTED] neck. I then re-holstered my Expandable Baton. I observed [REDACTED] grab [REDACTED] utilizing his left hand on [REDACTED] back and right hand on [REDACTED] right shoulder and applied pressure forcing him onto the bench followed by [REDACTED] utilizing his body weight on the shield. While applying the leg restraints, I gave [REDACTED] orders to submit to leg restraints, to which he did not comply. As I attempted to apply the right leg restraint, [REDACTED] kicked my right leg. [REDACTED] executed one forward strike towards [REDACTED] upper right leg area with his baton. I gave [REDACTED] orders to submit to leg restraints, to which he did not comply and continued to kick wildly. [REDACTED] then executed a second forward strike towards [REDACTED] upper right leg area, which caused [REDACTED] to stop resisting. I then applied the leg restraints while [REDACTED] utilized the shield on [REDACTED] with their combined body weight. I observed Officer [REDACTED] entering the wet tank and proceeded to apply pressure on [REDACTED] left hand with his right hand and applying pressure on [REDACTED] right hand with his left hand which then [REDACTED] threatened to infect us with HIV. [REDACTED] then lifted his head up towards [REDACTED] and spit on him striking his facial area. [REDACTED] utilized physical force by using his right hand to push [REDACTED] head down on the bench. I retrieved a spit mask from the PPE (Personal Protective Equipment) Kit cabinet and handed it to [REDACTED]. I notified Central Control via institutional radio that we required Mary 3 (institutional ambulance) to report to ASU-1. [REDACTED] stopped all active resistance once [REDACTED] applied the spit mask on him. I ordered [REDACTED] to submit to handcuff restraints. The shield was lifted off of [REDACTED] and I applied the handcuffs. Officer [REDACTED] assisted [REDACTED] to his feet and onto the gurney for Mary 3 to transport him to the TTA (Treatment Triage Area). I received a 7219 Medical Evaluation for myself and had two photos taken to document my injuries. This concludes my involvement in this incident.

DATE: 04/12/2020

STAFF SIGNATURE

BADGE #: 93313

PERNR: 119749

NARRATIVE REVIEWED: Yes
REVIEWED DATE: 04/14/2020

REVIEWED BY STAFF: [REDACTED]
REVIEWED TIME: 10:16:51

CDCR
REPORT NO. IRTR161 - 12

INCIDENT REPORT PACKAGE
INCIDENT LOG NUMBER: 000000000005339

PAGE: 22
PROCESSED: 04/16/2020 10:41
REQUESTOR: J. Anderson

STAFF NARRATIVE

STAFF NAME: [REDACTED]
CREATED DATE: 04/12/2020

NARRATIVE TYPE: Initial Report
CREATED TIME: 05:30:01

NARRATIVE

At approximately 1750 hours, while performing my duties as ASU Escort #1 Officer I was notified by Officer [REDACTED] that inmate [REDACTED] housed in cell (Z - [REDACTED]) wanted to speak to the Sergeant. When I arrived to cell [REDACTED] Inmate [REDACTED] told me he was suicidal. I instructed inmate [REDACTED] to submit to restraints so I could take him to the wet tank which he complied. I escorted inmate [REDACTED] to the wet tank and asked Officer [REDACTED] to conduct a search of the wet tank which he did with negative results for contraband. Once Inmate [REDACTED] was secured in the wet tank I removed his restraints and ordered him to submit to an unclothed body search. Inmate [REDACTED] refused my order. I remained at the wet tank while medical was notified. At approximately 1828 I observed [REDACTED] removing paper from his back brace and covering the window of the wet tank door. I ordered Inmate [REDACTED] to stop to which he did not comply. I asked Officer [REDACTED] for assistance. I gave Inmate [REDACTED] an order to take down the paper that was now completely covering the window. Inmate [REDACTED] gave no response. Officer [REDACTED] then placed the shield over the security port. I opened the security port to try and gain a visual on Inmate [REDACTED]. The security port was also covered with paper. I closed the security port and utilized my institutional radio to request a code 1 medical alarm for an unresponsive inmate, and then activated my personal alarm device. With our helmets on and shield ready I opened the door to the wet tank and Officer [REDACTED] immediately entered with the shield. Inmate [REDACTED] attacked Officer [REDACTED] by kicking the shield immediately with his right foot. Officer [REDACTED] struck [REDACTED] with the shield knocking him against the back wall. Inmate [REDACTED] moved to his left putting him in front of me. I used my strength to stop Inmate [REDACTED] active resistance by using my left arm and my body weight to push Inmate [REDACTED] across the chest to secure him against the wall. I gave inmate [REDACTED] a direct order to stop resisting. Inmate [REDACTED] struck me with his left knee in my groin causing me to bend over and Inmate [REDACTED] put his left arm around my neck knocking my helmet off and began to choke me. I punched Inmate [REDACTED] left rib cage with my right fist and tried to pull away. As I was pulling away, Inmate [REDACTED] used his fingers to scratch my face and right eye. Once I pulled away I observed Officer [REDACTED] with his right hand on Inmate [REDACTED] right arm and his left hand on Inmate [REDACTED] back utilizing physical strength to overcome Inmate [REDACTED] active resistance. Officer [REDACTED] pushed Inmate [REDACTED] down on the bench inside the wet tank. Officer [REDACTED] used the shield and his body weight to overcome Inmate [REDACTED] active resistance by pushing the shield on to Inmate [REDACTED] back and holding it there with both his hands. I was standing towards the rear of Inmate [REDACTED] using my left hand on Inmate [REDACTED] left leg and my right hand on Inmate [REDACTED] right leg to keep Inmate [REDACTED] from kicking. While Officer [REDACTED] tried to secure Inmate [REDACTED] in leg restraints, Inmate [REDACTED] broke free from my hold and kicked [REDACTED] on his right leg. I then used a forward strike with my expandable baton hitting my intended target of Inmate [REDACTED] right thigh and gave the command to stop resisting. Inmate [REDACTED] continued to kick. I used a second forward strike with my expandable baton hitting my intended target of Inmate [REDACTED] right thigh and gave the command to stop resisting. Inmate [REDACTED] stopped kicking his legs and [REDACTED] secured the leg irons. At this time Officer [REDACTED] were using physical strength to overcome Inmate [REDACTED] active resistance by pushing the shield down with both their hands on Inmate [REDACTED] back. Officer [REDACTED] entered the wet tank and secured Inmate [REDACTED] hands which were in front of his head by grabbing his wrists and using his body weight to hold them against the bench. Inmate [REDACTED] shouted he was going to infect everyone with HIV, [REDACTED] then lifted his head towards Officer [REDACTED] and spit blood striking [REDACTED] on the facial area. Officer [REDACTED] used his right hand to push Inmate [REDACTED] head down on the bench. Officer [REDACTED] retrieved a spit mask and handed it to Officer [REDACTED]. Once Officer [REDACTED] applied the spit mask Inmate [REDACTED] stopped actively resisting. Officer [REDACTED] ordered Inmate [REDACTED] to put his hands behind his back the shield was lifted and handed to Officer [REDACTED]. Inmate [REDACTED] complied and Officer [REDACTED] applied the handcuffs. Officer [REDACTED] conducted a clothed body search with negative results for contraband. Officer [REDACTED] and I helped [REDACTED] to his feet and escorted him to the gurney. Once secured on the gurney Inmate [REDACTED] was transported to the Triage Treatment Area. I then received a 7219 from medical and Officer [REDACTED] took 6 pictures to document my injuries. Pictures were also taken of Officer [REDACTED]. I then secured the camera in the A/B evidence room locker # 23. This concludes my involvement in this incident.

DATE: 04/12/2020

STAFF SIGNATURE

BADGE #: 89328

PERNR: 104311

NARRATIVE REVIEWED: Yes

REVIEWED BY STAFF: [REDACTED]

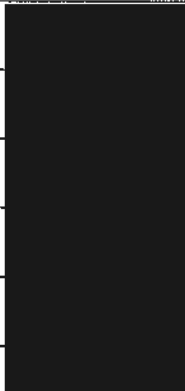
REVIEWED DATE: 04/14/2020

REVIEWED TIME: 10:16:39

CDCR
REPORT NO. ITR161 - 12

INCIDENT REPORT PACKAGE
INCIDENT LOG NUMBER: 000000000005339

PAGE: 23
PROCESSED: 04/16/2020 10:41
REQUESTOR: J. Anderson

ACTIONS TAKEN				
DATE/TIME	ACTION TYPE	STAFF NAME	REFERRED TO	ELAPSED DAYS
04/14/2020 16:23:37	UOF Review Suspended		Anderson, Judd	3
04/12/2020 08:15:00	Notification			1
04/11/2020 20:51:00	Notification			0
04/11/2020 20:50:00	Notification			0
04/11/2020 20:15:00	Notification			0
04/11/2020 18:28:00	Incident Package Initiated			0

CDCR
REPORT NO. ITR161 - 12

INCIDENT REPORT PACKAGE
INCIDENT LOG NUMBER: 000000000005339

PAGE: 24
PROCESSED: 04/16/2020 10:41
REQUESTOR: J. Anderson

ELECTRONIC DOCUMENT

DOCUMENT TYPE: Medical Report of Injury or Unusual Occurrence.

TITLE: 7219 Officer [REDACTED]

PREPARED BY STAFF MEMBER INVOLVED: [REDACTED]

PAGE NUMBER: 1

(If document file type is supported, document will start on the next page)

STATE OF CALIFORNIA
**MEDICAL REPORT OF INJURY
OR UNUSUAL OCCURRENCE**
CDER 7219 (Rev. 01/18)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

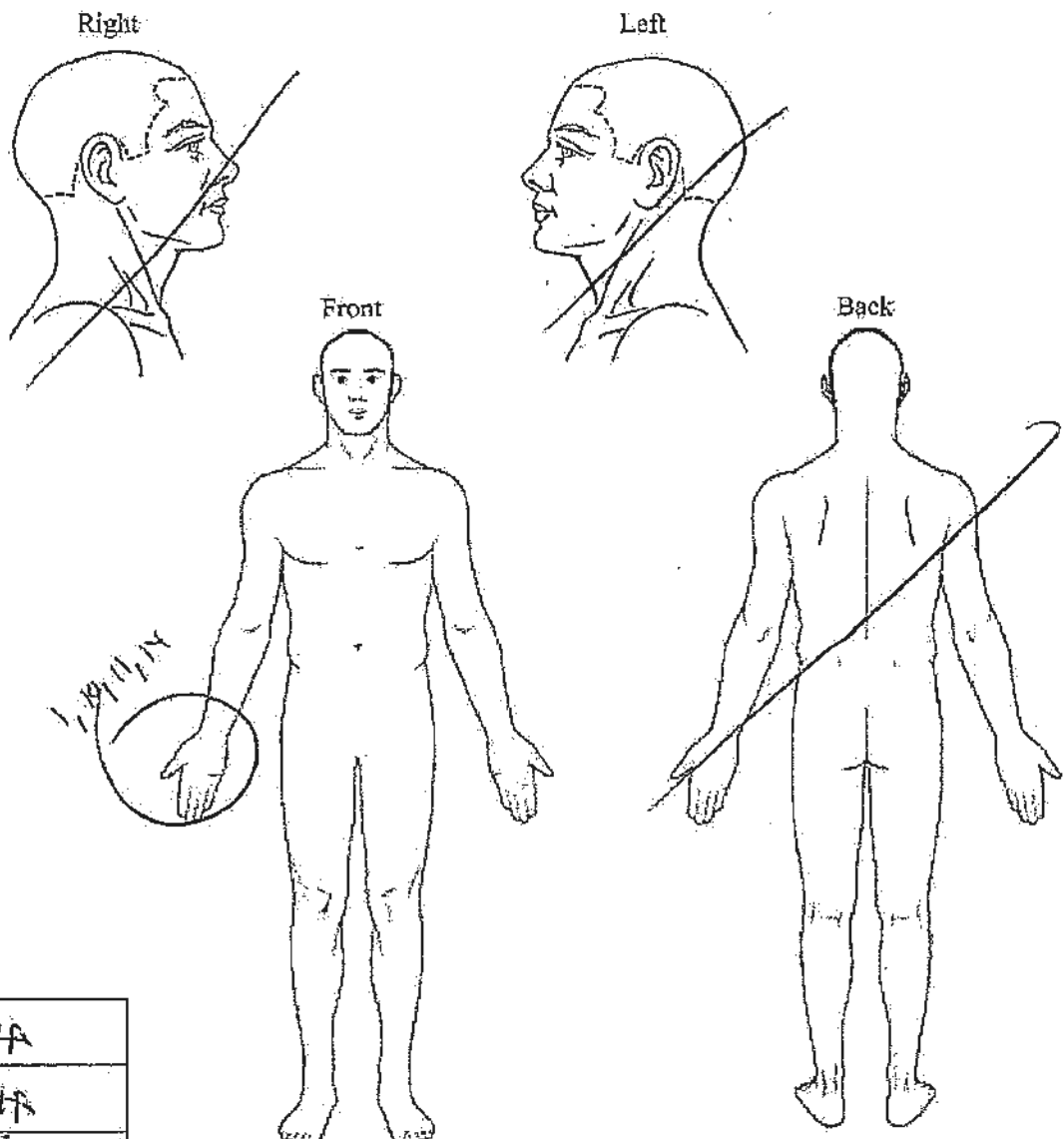
Page 1 of 2

NAME OF INSTITUTION CSP-LAC		LOCATION OF EVALUATION TTA		DATE 4/11/20	
REASON FOR REPORT ☐ ALLEGATION ☒ ON THE JOB INJURY ☒ USE OF FORCE ☐ INJURY ☐ OTM RETURNS ☒ UNUSUAL OCCURRENCE ☐ PRE-AD/SEG ADMISSION ☐ R&R ☐ OTHER					
NAME [REDACTED]		CDCR NUMBER [REDACTED]		PERNR/INST ID # 2163866	
PLACE OF OCCURRENCE NSU		DATE OF OCCURRENCE 4/11/20		TIME OF OCCURRENCE 1828	
		TIME SEEN 2030		RN NOTIFIED TIME 2039	
				PHYSICIAN NOTIFIED TIME N/A	

BRIEF STATEMENT IN SUBJECT'S WORDS OF THE CIRCUMSTANCES OF THE INJURY OR UNUSUAL OCCURRENCE

Injuries sustained during emergency cell rescue

INJURIES FOUND?	YES/NO
Abasion/Scratch	1
Active Bleeding	2
Broken Bone	3
Bruise/Discolored Area	4
Burn	5
Dislocation	6
Dried Blood	7
Fresh Tattoo	8
Cut/Laceration/Slash	9
Swollen Area	10
Pain	11
Protrusion	12
Puncture	13
Reddened Area	14
Skin Flap	15
Pre-Existing	16
Other	17
	18
Chemical Agent Exposure?	YES/NO
Chem. Agent Exposure Area	19
Decontaminated w/ Water?	YES/NO/REFUSED
Decontaminated w/ Air?	YES/NO/REFUSED
Self-decontamination Instructions given?	YES/NO
Staff issued Exposure packet?	YES/NO
Q 15 min. check times	
Initial	1 st Check
NA	N/A
2 nd Check	Final
N/A	N/A



Referred to P Active & RTW @ 2040

REPORT COMPLETED BY/TITLE (PRINT AND SIGN) JMullins RN O'Mullins RN	PERNR/INST ID # 2163904	PDOS Swim/Man	ASSIGNMENT AREA TTA

CDCR
REPORT NO. ITR161 - 12

INCIDENT REPORT PACKAGE
INCIDENT LOG NUMBER: 000000000005339
ELECTRONIC DOCUMENT

PAGE: 25
PROCESSED: 04/16/2020 10:41
REQUESTOR: J. Anderson

DOCUMENT TYPE: Medical Report of Injury or Unusual Occurrence
TITLE: 7219 [REDACTED]
PREPARED BY STAFF MEMBER INVOLVED: Z. Soisuvarn
PAGE NUMBER: 1

(If document file type is supported, document will start on the next page)

STATE OF CALIFORNIA
**MEDICAL REPORT OF INJURY
OR UNUSUAL OCCURRENCE**
CDCR 7219 (Rev. 01/18)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Page 1 of 2

NAME OF INSTITUTION CSP-LAC		LOCATION OF EVALUATION TTA		DATE 4/11/20	
REASON FOR REPORT ☐ ALLEGATION ☒ ON THE JOB INJURY ☒ USE OF FORCE ☐ INJURY ☐ OTM RETURNS					
☒ UNUSUAL OCCURRENCE ☐ PRE AD/SEG ADMISSION ☐ R&R ☐ OTHER					
NAME [REDACTED]	REST [REDACTED]	CDCR NUMBER [REDACTED]		VISITOR ID # (SOMS) [REDACTED]	
PLACE OF OCCURRENCE AS1	DATE OF OCCURRENCE 4/11/20	TIME OF OCCURRENCE 1828	TIME SEEN 2008	NOTIFIED TIME 2007	PHYSICIAN NOTIFIED TIME N/A

BRIEF STATEMENT IN SUBJECT'S WORDS OF THE CIRCUMSTANCES OF THE INJURY OR UNUSUAL OCCURRENCE:

"Injuries sustained during emergency rescue"

INJURIES FOUND?	YES	NO
Abasion/Scratch	☒	☐
Active Bleeding	☐	☐
Broken Bone	☐	☐
Bruise/Discolored Area	☐	☐
Burn	☐	☐
Dislocation	☐	☐
Dried Blood	☒	☐
Fresh Tattoos	☐	☐
Cut/Laceration/Slash	☐	☐
Swollen Area	☒	☐
Pain	☒	☐
Protrusion	☐	☐
Puncture	☐	☐
Reddened Area	☒	☐
Skin Flap	☐	☐
Pre-Existing	☐	☐
Other	☐	☐
Chemical Agent Exposure?	☒	☐
Chem. Agent Exposure Area	☒	☐
Decontaminated w/ Water?	☒	☐
YES / NO / REFUSED	☒	☐
Decontaminated w/ Air?	☒	☐
YES / NO / REFUSED	☒	☐
Self-decontamination instructions given?	☒	☐
YES / NO	☒	☐
Staff issued Exposure packet?	☒	☐
YES / NO	☒	☐
Q 15 min. check times	☒	☐

Initial N/A	1 st Check N/A
2 nd Check N/A	Final N/A

7, 11, 14, 10

referred to Protective RTW 2012

REPORT COMPLETED BY/TITLE (PRINT AND SIGN) J. Mullins RN O'Kullins RN	PERNR / INST. ID # 31E3904	RDOs Sun/men	ASSIGNMENT AREA TTA

CDCR
REPORT NO. ITR161 - 12

INCIDENT REPORT PACKAGE
INCIDENT LOG NUMBER: 00000000005339
ELECTRONIC DOCUMENT

PAGE: 26
PROCESSED: 04/16/2020 10:41
REQUESTOR: J. Anderson

DOCUMENT TYPE: Medical Report of Injury or Unusual Occurrence

TITLE: 7219 [REDACTED]

PREPARED BY STAFF MEMBER INVOLVED: Z. Soisuvann

PAGE NUMBER: 1

(If document file type is supported, document will start on the next page)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

MEDICAL REPORT OF INJURY
OR UNUSUAL OCCURRENCE

Page 1 of 2

NAME OF SUBJECT CSP-16RC	LOCATION OF EVALUATION TTA	DATE 4/11/20
REPORT FOR REPORT: ☐ ALLEGATION ☒ ON THE JOB INJURY ☐ USE OF FORCE ☐ INJURY ☐ OTM RETURNS ☒ UNUSUAL OCCURRENCE ☐ PRE AD/SEG-ADMISSION ☐ R&R ☐ OTHER		
STATE OF OCCURRENCE ASU	CDCR NUMBER [REDACTED]	VISITOR ID # (SOMIS) [REDACTED]
STATE OF OCCURRENCE ASU	DATE OF OCCURRENCE 4/11/20	TIME OF OCCURRENCE 1828
	TIME SEEN 2021	RN NOTIFIED TIME 2020
		PHYSICIAN NOTIFIED TIME N/A

BRIEF STATEMENT IN SUBJECT'S WORDS OF THE CIRCUMSTANCES OF THE INJURY OR UNUSUAL OCCURRENCE

No statements

INJURIES FOUND?	YES	NO
Abrasion/Scratch	☒	☐
Active Bleeding	☐	☐
Broken Bone	☐	☐
Bruise/Discolored Area	☐	☐
Burn	☐	☐
Dislocation	☐	☐
Dried Blood	☐	☐
Fresh Tattoo	☐	☐
Cut/Laceration/Slash	☐	☐
Swollen Area	☒	☐
Pain	☒	☐
Protrusion	☐	☐
Puncture	☐	☐
Reddened Area	☒	☐
Skin Flap	☐	☐
Pre-existing	☐	☐
Other	☐	☐
Chemical Agent Exposure?	☒	☐
Chem. Agent Exposure Area	☒	☐
Decontaminated w/ Water?	☒	☐
Decontaminated w/ A/C?	☒	☐
Self-decontamination instructions given?	☒	☐
Staff issued Exposure packet?	☒	☐

Q-15 min. check times

Initial	Initial
N/A	N/A
1st Check	2nd Check
N/A	N/A

Right Left Front Back

1, 10, 11, 14

1

Referred to Perforated Ruler 2026

REPORT COMPLETED BY NITE AGENT ITMullins RN O'Mullins RN	PERNR / INST. ID # 2163104	RUCs SUB/Mon	ASSIGNMENT AREA TTA

CDCR
REPORT NO. ITR161 - 12

INCIDENT REPORT PACKAGE
INCIDENT LOG NUMBER: 00000000005339

PAGE: 27
PROCESSED: 04/16/2020 10:41
REQUESTOR: J. Anderson

ELECTRONIC DOCUMENT

DOCUMENT TYPE: Medical Report of Injury or Unusual Occurrence

TITLE: 7219 [REDACTED]

PREPARED BY STAFF MEMBER INVOLVED: Z. Soisuvan

PAGE NUMBER: 1

(If document file type is supported, document will start on the next page)

STATE OF CALIFORNIA
**MEDICAL REPORT OF INJURY
 OR UNUSUAL OCCURRENCE**
 CDCR 7219 (Rev. 01/18)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Page 1 of 2

NAME OF INSTITUTION CSP-LAC		LOCATION OF EVALUATION TVD		DATE 4/11/20	
REASON FOR REPORT ☐ ALLEGATION ☐ ON THE JOB INJURY ☒ USE OF FORCE ☐ INJURY ☐ OTM RETURNS ☒ UNUSUAL OCCURRENCE ☐ PRE AD/SEG ADMISSION ☐ R&R ☐ OTHER					
NAME [REDACTED]		CDCR NUMBER NA		VISITOR ID # (SOMS) NA	
PLACE OF OCCURRENCE ASU		DATE OF OCCURRENCE 4/11/20		TIME OF OCCURRENCE 1828	
		TIME SEEN 2017		RN NOTIFIED TIME 2017	
				PHYSICIAN NOTIFIED TIME NA	

BRIEF STATEMENT IN SUBJECT'S WORDS OF THE CIRCUMSTANCES OF THE INJURY OR UNUSUAL OCCURRENCE

"The inmate spit at me and it landed in my mouth."

INJURIES FOUND? YES/NO		Right		Left	
Abrasion/Scratch					
Active Bleeding					
Broken Bone					
Bruise/Discolored Area					
Burn					
Dislocation					
Dried Blood					
Fresh Tattoo					
Cut/Laceration/Slash					
Swollen Area					
Pain					
Protrusion					
Puncture					
Reddened Area					
Skin Flap					
Pre-Existing					
Other					
Chemical Agent Exposure? YES/NO					
Chem. Agent Exposure Area NA EX					
Decontaminated w/ Water? YES/NO/REFUSED					
Decontaminated w/ Air? YES/NO/REFUSED					
Self-decontamination instructions given? YES/NO					
Staff Issued Exposure packet? YES/NO					
Q. 15 min. check times					
Initial	1 st Check				
2017	NA				
2 nd Check	Final				
NA	NA				
TIME/DISPOSITION					

REPORT COMPLETED BY/TITLE (PRINT AND SIGN)

A. An RN

PERNR / INST. ID #

125047
2163810

RDOs

T/hw

ASSIGNMENT AREA

TJA

CDCR
REPORT NO. ITR161 - 12

INCIDENT REPORT PACKAGE
INCIDENT LOG NUMBER: 000000000005339
ELECTRONIC DOCUMENT

PAGE: 28
PROCESSED: 04/16/2020 10:41
REQUESTOR: J. Anderson

DOCUMENT TYPE: Medical Report of Injury or Unusual Occurrence
TITLE: 7219 Officer [REDACTED]
PREPARED BY STAFF MEMBER INVOLVED: Z. Soisuvarn
PAGE NUMBER: 1

(If document file type is supported, document will start on the next page)

STATE OF CALIFORNIA
**MEDICAL REPORT OF INJURY
OR UNUSUAL OCCURRENCE**
CDCR 7212 (Rev. 01/18)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

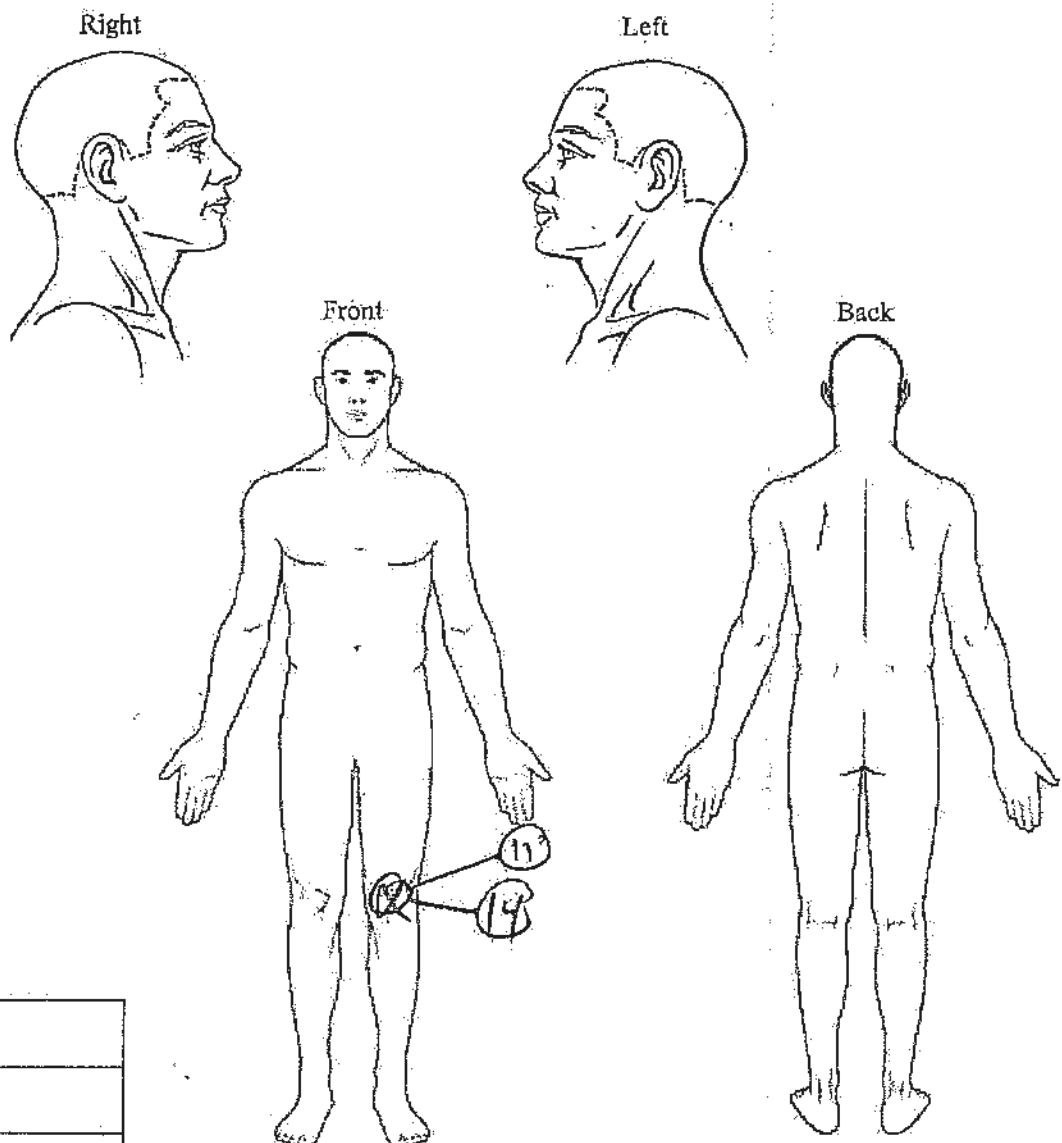
Page 1 of 2

NAME OF INSTITUTION CSP-LAC		LOCATION OF EVALUATION TTA		DATE 4/11/20	
REASON FOR REPORT ☐ ALLEGATION ☒ ON THE JOB INJURY ☒ USE OF FORCE ☐ INJURY ☐ OTM RETURNS					
☐ UNUSUAL OCCURRENCE ☐ PRE AD/SEG ADMISSION ☐ R&R ☐ OTHER					
NAME [REDACTED]		CDCR NUMBER NA		VISITOR ID # (SOMS) NA	
PLACE OF OCCURRENCE ASU	DATE OF OCCURRENCE 4/11/20	TIME OF OCCURRENCE 1824	TIME SEEN 2057	RN NOTIFIED TIME 2057	PHYSICIAN NOTIFIED TIME NA

BRIEF STATEMENT IN SUBJECT'S WORDS OF THE CIRCUMSTANCES OF THE INJURY OR UNUSUAL OCCURRENCE

"During a cell extraction, the inmate kicked the shield which hit my knee."

INJURIES FOUND? ☒ YES / ☐ NO	
Abrasion/Scrub	1
Active Bleeding	2
Broken Bone	3
Bruise/Discolored Area	4
Burn	5
Dislocation	6
Dried Blood	7
Fresh Tattoo	8
Cut/Laceration/Slash	9
Swollen Area	10
Pain	☒ 11
Protrusion	12
Fracture	13
Reddened Area	☒ 14
Skin Flap	15
Pre-Existing	16
Other	17
	18
Chemical Agent Exposure? ☒ YES / ☐ NO	
Chem. Agent Exposure Area	☒ NA / ☐ EX
Decontaminated w/ Water? ☒ YES / ☐ NO / ☐ REFUSED	
Decontaminated w/ Air? ☒ YES / ☐ NO / ☐ REFUSED	
Self-decontamination instructions given? ☒ YES / ☐ NO	
Staff issued Exposure packet? ☒ YES / ☐ NO	
Q 15 min. check times	
Initial NO57	1 st Check NA
2 nd Check NA	Final NA



TIME/DISPOSITION UCC		REPORT COMPLETED BY/TITLE (PRINT AND SIGN) A. Aro RN		PERNR/INST. ID # 125047 2165810	RDOs T/W	ASSIGNMENT AREA TTA

DDCR
REPORT NO. ITR161 - 12

INCIDENT REPORT PACKAGE
INCIDENT LOG NUMBER: 00000000005339
ELECTRONIC DOCUMENT

PAGE: 29
PROCESSED: 04/16/2020 10:41
REQUESTOR: J. Anderson

DOCUMENT TYPE: Medical Report of Injury or Unusual Occurrence
TITLE: 7219 Inmate [REDACTED]
PREPARED BY STAFF MEMBER INVOLVED: [REDACTED]
PAGE NUMBER: 1

(If document file type is supported, document will start on the next page)

STATE OF CALIFORNIA
**MEDICAL REPORT OF INJURY
 OR UNUSUAL OCCURRENCE**
 CDCR 7219 (Rev. 01/15)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Page 1 of 2

NAME OF INSTITUTION CSP-LAC		LOCATION OF EVALUATION TIA		DATE 4/11/20	
REASON FOR REPORT ☐ ALLEGATION ☐ ON THE JOB INJURY ☒ USE OF FORCE ☒ INJURY ☐ OTM RETURNS					
☒ UNUSUAL OCCURRENCE ☐ PRE AD/SEG ADMISSION ☐ R&R ☐ OTHER					
NAME [REDACTED]	LAST [REDACTED]	FIRST [REDACTED]	CDCR NUMBER [REDACTED]	PERNR / INST. ID # NA	VISITOR ID # (SOMS) NA
PLACE OF OCCURRENCE ASU	DATE OF OCCURRENCE 4/11/20	TIME OF OCCURRENCE 1828	TIME SEEN 1844	RN NOTIFIED TIME 1828	PHYSICIAN NOTIFIED TIME 1859

BRIEF STATEMENT IN SUBJECT'S WORDS OF THE CIRCUMSTANCES OF THE INJURY OR UNUSUAL OCCURRENCE

"They beat the s--- out of me."

INJURIES FOUND? ☒ YES / ☐ NO

Abrasion/Scratch	1
Active Bleeding	2
Broken Bone	3
Bruise/Discolored Area	4
Burn	5
Dislocation	6
Dried Blood	8
Fresh Tatoo	8
Cut/Laceration/Slash	9
Swollen Area	10
Pain	11
Protrusion	12
Puncture	13
Reddened Area	14
Skin Flap	15
Pre-Existing	16
Other	17
	18

Chemical Agent Exposure? ☒ YES / ☐ NOChem. Agent Exposure Area **NA** EXDecontaminated w/ Water? ☒ YES / ☐ NO / ☐ REFUSEDDecontaminated w/ Air? ☒ YES / ☐ NO / ☐ REFUSEDSelf-decontamination instructions given? ☒ YES / ☐ NOStaff issued exposure packet? ☒ YES / ☐ NO

Q 15 min. check times

Initial 1845	1 st Check NA
2 nd Check NA	Final NA

TIME/DISPOSITION
10:45 AV Hospital

REPORT COMPLETED BY/TITLE (PRINT AND SIGN)

A. An RN

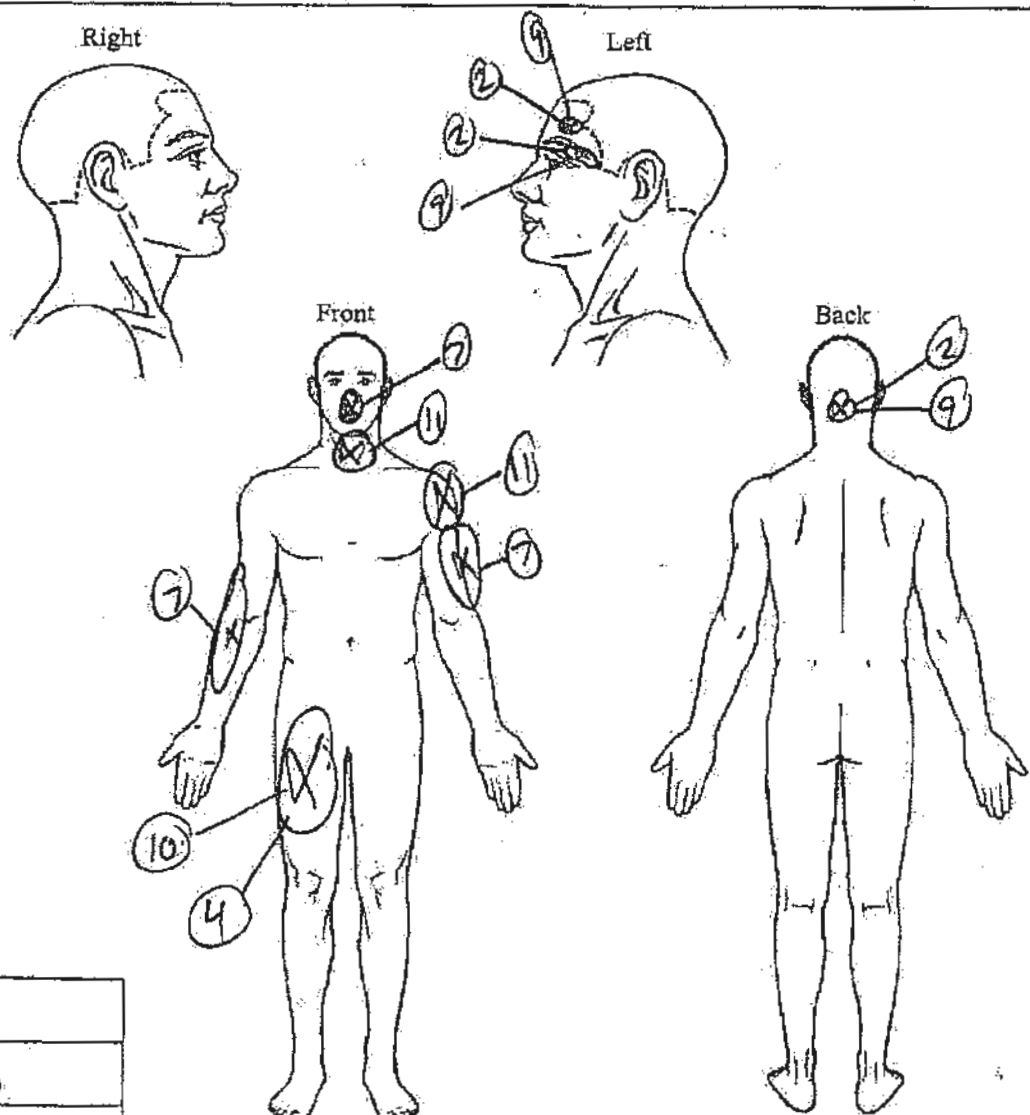
PERNR / INST. ID #

125047**2165870**

RDO#

T/W

ASSIGNMENT AREA

TIA

CDCR
REPORT NO. ITR161 - 12

INCIDENT REPORT PACKAGE
INCIDENT LOG NUMBER: 000000000005339

PAGE: 30
PROCESSED: 04/16/2020 10:41
REQUESTOR: J. Anderson

ELECTRONIC DOCUMENT

DOCUMENT TYPE: Medical Report of Injury or Unusual Occurrence

TITLE: 7219 Innrate [REDACTED] (ROF 3013-1)

PREPARED BY STAFF MEMBER INVOLVED: [REDACTED]

PAGE NUMBER: 1

(If document file type is supported, document will start on the next page)

STATE OF CALIFORNIA
**MEDICAL REPORT OF INJURY
 OR UNUSUAL OCCURRENCE**
 CDCR 7219 (Rev. 01/18)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Page 1 of 2

NAME OF INSTITUTION CSP-LAC		LOCATION OF EVALUATION TJA		DATE 4/11/20	
REASON FOR REPORT ☐ ALLEGATION ☐ ON THE JOB INJURY ☒ USE OF FORCE ☒ INJURY ☐ OTM RETURNS					
☒ UNUSUAL OCCURRENCE ☐ PRE AD/SEG ADMISSION ☐ R&R ☐ OTHER					
NAME [REDACTED]		CDCR NUMBER [REDACTED]		PERNR / INST. ID # NA	
PLACE OF OCCURRENCE ASU		DATE OF OCCURRENCE 4/11/20		TIME OF OCCURRENCE 1828	
		TIME SEEN 1844		RN NOTIFIED TIME 1828	
				PHYSICIAN NOTIFIED TIME 1859	

BRIEF STATEMENT IN SUBJECT'S WORDS OF THE CIRCUMSTANCES OF THE INJURY OR UNUSUAL OCCURRENCE

"They beat the s— out of me."

INJURIES FOUND?	YES / NO
Abrasion/Scratch	1
Active Bleeding	2
Broken Bone	3
Bruise/Discolored Area	4
Burn	5
Dislocation	6
Dried Blood	7
Fresh Tattoo	8
Cut/Laceration/Slash	9
Swollen Area	10
Pain	11
Protrusion	12
Puncture	13
Reddened Area	14
Skin Flap	15
Pre-Existing	16
Other	17
	18

Chemical Agent Exposure? YES / **NO**

Chem. Agent Exposure Area **NA** EX

Decontaminated w/ Water? YES / NO / REFUSED **NA**

Decontaminated w/ Air? YES / NO / REFUSED **NA**

Self-decontamination instructions given? YES / NO **NA**

Staff issued Exposure packet? YES / NO **NA**

Q 15 min. check times:

Initial 1845	1 st Check NA
2 nd Check NA	Final NA

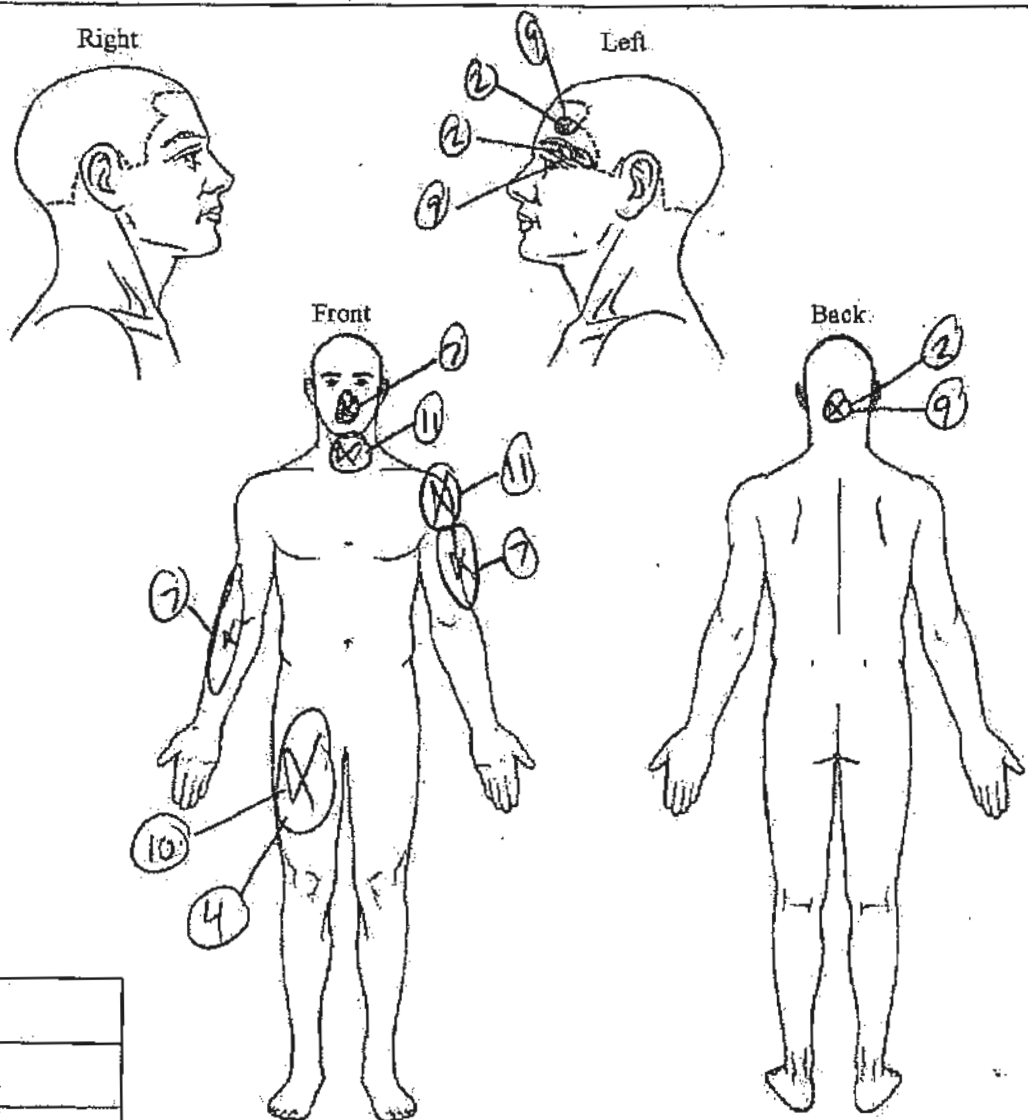
TIME/DISPOSITION
10:45 AV Hospital

REPORT COMPLETED BY/TITLE (PRINT AND SIGN)
A. An RN / [Signature]

PERNR / INST. ID #
125047
2165810

RDO
T/W

ASSIGNMENT AREA
TJA



CDCR
REPORT NO. ITR161 - 12

INCIDENT REPORT PACKAGE
INCIDENT LOG NUMBER: 000000000005339
ELECTRONIC DOCUMENT

PAGE: 31
PROCESSED: 04/16/2020 10:41
REQUESTOR: J. Anderson

DOCUMENT TYPE: Photograph

TITLE: Picture of the Evidence #1

PREPARED BY STAFF MEMBER INVOLVED: [REDACTED]

PAGE NUMBER: 4

(If document file type is supported, document will start on the next page)

CDCR
REPORT NO. ITR161 - 12

INCIDENT REPORT PACKAGE
INCIDENT LOG NUMBER: 000000000005339

PAGE: 32
PROCESSED: 04/16/2020 10:41
REQUESTOR: J. Anderson

ELECTRONIC DOCUMENT

DOCUMENT TYPE: Photograph

TITLE: Picture of the Evidence #2

PREPARED BY STAFF MEMBER INVOLVED: [REDACTED]

PAGE NUMBER: 4

(If document file type is supported, document will start on the next page)

CDGR
REPORT NO. IRTR161 - 12

INCIDENT REPORT PACKAGE
INCIDENT LOG NUMBER: 000000000005339
ELECTRONIC DOCUMENT

PAGE: 33
PROCESSED: 04/16/2020 10:41
REQUESTOR: J. Anderson

DOCUMENT TYPE: Photograph
TITLE: Picture of the Evidence #3
PREPARED BY STAFF MEMBER INVOLVED: 
PAGE NUMBER: 4

(If document file type is supported, document will start on the next page)

CDCR
REPORT NO. IRTR161 - 12

INCIDENT REPORT PACKAGE
INCIDENT LOG NUMBER: 000000000005339
ELECTRONIC DOCUMENT

PAGE: 34
PROCESSED: 04/16/2020 10:41
REQUESTOR: J. Anderson

DOCUMENT TYPE: Photograph

TITLE: Picture of the Evidence #4

PREPARED BY STAFF MEMBER INVOLVED: 

PAGE NUMBER: 4

(If document file type is supported, document will start on the next page)

CDCR
REPORT NO. ITR161 - 12

INCIDENT REPORT PACKAGE
INCIDENT LOG NUMBER: 000000000005339
ELECTRONIC DOCUMENT

PAGE: 35
PROCESSED: 04/16/2020 10:41
REQUESTOR: J. Anderson

DOCUMENT TYPE: Crime/Incident Report Form
TITLE: 837 [REDACTED]
PREPARED BY STAFF MEMBER INVOLVED: [REDACTED]
PAGE NUMBER: 1

(If document file type is supported, document will start on the next page)

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT

PART C - STAFF REPORT

CDCR 837-G (REV. 10/15)

Page 1 of 2

INCIDENT LOG NUMBER

5339

NAME: LAST		FIRST		MI	DATE OF INCIDENT	TIME OF INCIDENT
				S	04/11/2020	1828 HOURS
POST #	POSITION	YEARS OF SERVICE	DATE OF REPORT	LOCATION OF INCIDENT		
393922	Z FLR OFFICER 2	4 MONTHS	04/11/2020	ASU1 WET TANK		
RDO'S	DUTY HOURS	DESCRIPTION OF CRIME / INCIDENT			CCR SECTION / RULE	
T/W	1400-2200	BATTERY ON A PEACE OFFICER RESULTING IN UOF			3005(d)(1)	
YOUR ROLE		WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)		INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESSES)		
☐ Primary ☒ Responder ☐ Witness ☐ Camera ☐ Victim ☐ Other:				(S) ASU1-		
☐ N/A						
FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / NON-CONVENTIONAL FORCE						
☒ Physical: HANDS ☐ Hand-Held Baton ☐ X-10 BRD w/o OC ☐ X-10 BRD w/ OC	Lethal Weapons ☐ Mini-14 ☐ .38 Cal ☐ .40 Cal ☐ 9 mm ☐ Shotgun	Warning ☐ Effect:	Less Lethal Weapons: ☐ 37 mm ☐ 40 mm ☐ L8 ☐ 40 mm Multi ☐ HFWRS	# Effect:	Chemical Agent ☐ OC ☐ CN ☐ CS	Projector ☐ # Deployed
☐ Non-Conventional or Force Not Listed Above:						
FORCE OBSERVED BY YOU	☐ N/A ☒ Physical ☐ Hand-Held Baton ☐ Chemical Agent ☐ X-10 ☐ Less Lethal ☐ Lethal ☐ Non-Conventional					
EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION		EVIDENCE DISPOSITION		BIO HAZARD	PPE
☐ Yes ☒ No	☒ N/A		☒ N/A		☐ Yes ☒ No	☒ Yes ☐ No
REPORTING STAFF INJURED	DESCRIPTION OF INJURY		LOCATION TREATED (HOSPITAL/CLINIC)	FLUID EXPOSURE	SCIF 3301 / 3087 COMPLETED	
☒ YES ☐ NO	☐ N/A BLOOD BORNE EXPOSURE		☐ N/A ANTELOPE VALLEY HOSPITAL	☒ BODILY ☐ UNKNOWN ☐ Other	☒ YES ☐ NO	

NARRATIVE:

While performing my duties as Z Floor Officer 2, I was alerted via institutional radio of a code 1 medical response in ASU-1 wet tank. I followed by the sound of an audible alarm. I retrieved a helmet and responded to the wet tank. Upon my arrival I saw Correctional Officers holding down Inmate (ASU1-) utilizing their body weight on top of the shield. I saw Officer putting leg restraint on Inmate. With my right hand I grabbed Inmate's left wrist and with my left hand I grabbed Inmate's right wrist. While attempting to secure his hands Inmate stated, "I'm going to spit on all of you Fuckers and give you all HIV (Human Immunodeficiency Virus)". Immediately, I lifted his head and spit in the direction of Officer and I. I immediately turned my head away from when he attempted to

✓ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-G1.

SIGNATURE OF REPORTING STAFF	TITLE	BADGE # / ID#	DATE
	CORRECTIONAL OFFICER	95293/2165978	04/11/2020
RECEIVED	DATE RECEIVED	CLARIFICATION NEEDED	APPROVED
	04/11/2020	☐ YES ☒ NO	☒ YES ☐ NO
			DATE
			04/11/2020

Employee Copy: Reviewing Supervisor

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT

PART C1 - SUPPLEMENT

CDCR 837-C1 (REV. 10/15)

PAGE 2 OF 2

INCIDENT LOG NUMBER

5339

NAME: LAST

FIRST

MI

S

TYPE OF INFORMATION:

☒ CONTINUATION OF REPORT☐ CLARIFICATION OF REPORT☐ ADDITIONAL INFORMATION

spit in my face. While turning my head away from [REDACTED] I was struck in the mouth with blood splatter coming from Inmate [REDACTED]'s mouth. It was at this time I let go of Inmate [REDACTED]'s hands due to being spat on. In order to subdue the attack, Officer [REDACTED] put his right hand on top of [REDACTED]'s head and used his physical strength and body weight to hold Inmate [REDACTED]'s head down on the bench and ordered [REDACTED] to stop resisting. Officer [REDACTED] instructed Officer [REDACTED] to go retrieve a spit mask from the PPE (Personal Protective Equipment) cabinet. Once the spit mask was applied by Officer [REDACTED] Inmate [REDACTED] stopped all active resistance. The shield was taken off of [REDACTED]'s back by Officer [REDACTED] and handed to me outside of the wet tank. Officer [REDACTED] gave verbal orders to [REDACTED] to put his hands behind his back and submit to restraints which Inmate [REDACTED] complied. Once [REDACTED] was in the handcuffs and it was safe to do so Officers [REDACTED] assisted [REDACTED] to his feet and onto the gurney to be transported to the TTA (Triage Treatment Area) via Mary 3 (Institutional Ambulance). I went to TTA to get a 7219 done by medical and came back to ASU building to have my picture taken together with my ID and blood splatter on my pants by Officer Smith for evidence and sent by Officer [REDACTED] to A/B sub-evidence room locker #23. I was then transported to AVH (Antelope Valley Hospital) because of the blood borne exposure. This concludes my involvement to this incident.

☐ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

REGIONAL OFFICER

BADGE #/ID#

95293/2165978

DATE

04/11/2020

DATE RECEIVED

04/11/2020

CLARIFICATION NEEDED

☐ YES ☒ NO

APPROVED

☒ YES ☐ NO

DATE

04/11/2020

DISTRIBUTION: Original Incident Package Copy; Reporting Employee Copy; Reviewing Supervisor

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Page 1 of 2

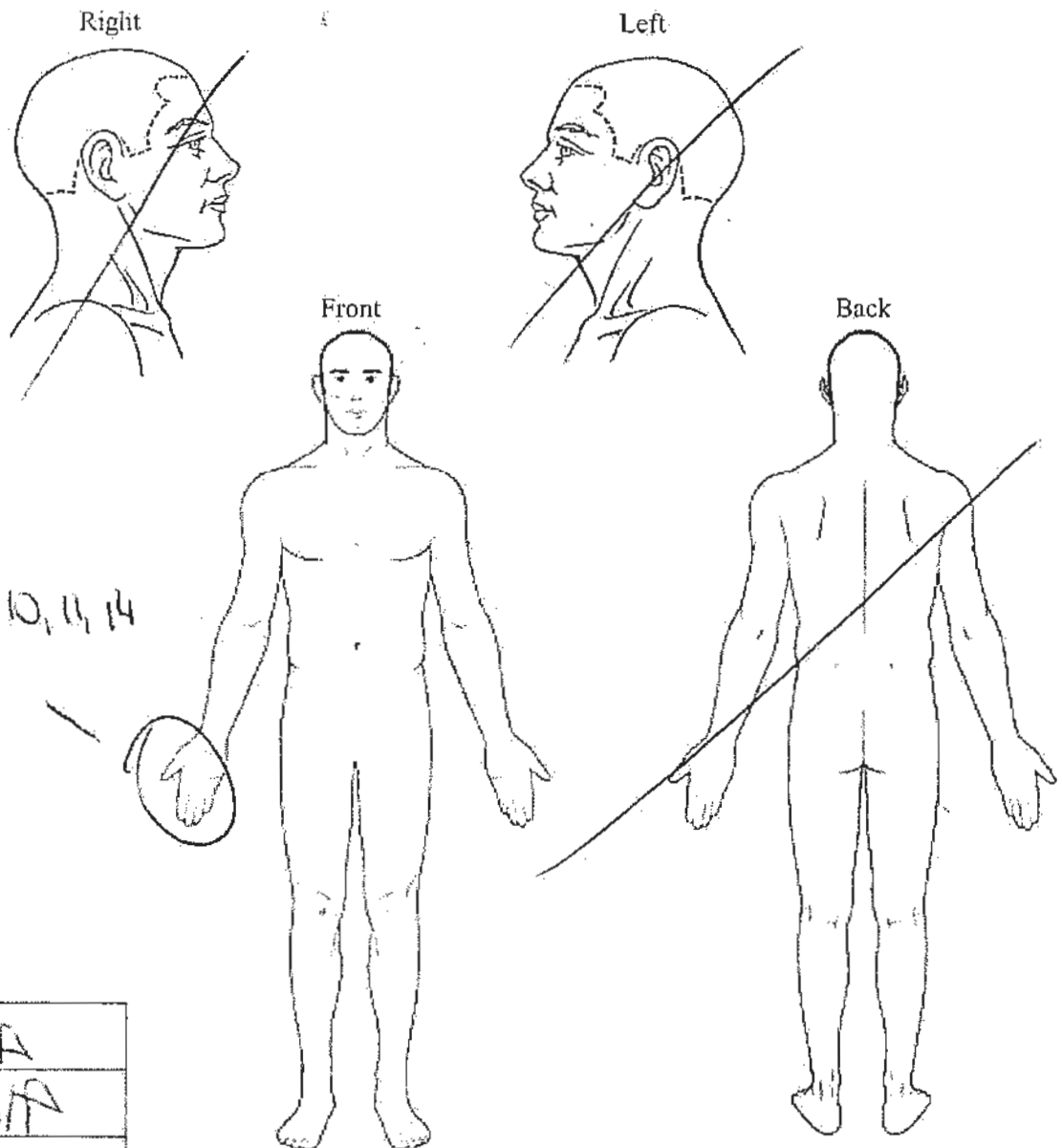
**MEDICAL REPORT OF INJURY
OR UNUSUAL OCCURRENCE**

NAME OF INMATE/PRISONER CSP-LAC	LOCATION OF EVALUATION TTA	DATE 4/11/20
☐ ALLEGATION ☒ ON THE JOB INJURY ☒ USE OF FORCE ☐ INJURY ☐ OTM RETURNS ☒ UNUSUAL OCCURRENCE ☐ PRE AD/SEG ADMISSION ☐ R&R ☐ OTHER		
AGE [REDACTED]	CDCR NUMBER [REDACTED]	VISITOR ID # (SOMS) [REDACTED]
PLACE OF OCCURRENCE ASU	DATE OF OCCURRENCE 4/11/20	TIME OF OCCURRENCE 1828
	TIME SEEN 2021	RN NOTIFIED TIME 2020
PHYSICIAN NOTIFIED TIME N/A		

BRIEF STATEMENT IN SUBJECT'S WORDS OF THE CIRCUMSTANCES OF THE INJURY OR UNUSUAL OCCURRENCE

No statement

INJURIES FOUND?	YES	NO
Abrasion/Scrub		1
Active Bleeding		
Broken Bone		
Bruise/Discolored Area		
Burn		
Dislocation		
Dried Blood		
Fresh Tattoo		
Cut/Laceration/Slash		
Swollen Area		10
Pain		11
Protrusion		
Puncture		
Reddened Area		14
Skin Flap		
Pre-existing		
Other		



Chemical Agent Exposure?	YES	NO
Chem. Agent Exposure Area		
Decontaminated w/ Water?	YES	NO / REFUSED
Decontaminated w/ A/C?	YES	NO / REFUSED
Self-decontamination instructions given?	YES	
Staff issued Exposure packer?	YES	
Q 15 min. check times		

Initial	1 st Check
N/A	N/A
2 nd Check	Final
N/A	N/A

Referred to Protective Order @ 2026

REPORT COMPLETED BY TITLE/PRISONER ST Mullins RN O'Sullivan RN	PERNR / INST. ID # 2163104	RDOs St. B / Man	ASSIGNMENT AREA TTA

STATE OF CALIFORNIA
**MEDICAL REPORT OF INJURY
OR UNUSUAL OCCURRENCE**
CDCR 7219 (Rev. 01/18)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Page 1 of 2

NAME OF INSTITUTION CSP-LAC	LOCATION OF EVALUATION TVD	DATE 4/11/20
REASON FOR REPORT: ☐ ALLEGATION ☐ ON THE JOB INJURY ☒ USE OF FORCE ☐ INJURY ☐ OTM RETURNS ☒ UNUSUAL OCCURRENCE ☐ PRE AD/SEG ADMISSION ☐ R&R ☐ OTHER		
NAME [REDACTED]		VISITOR ID # (SOMS) NA
PLACE OF OCCURRENCE ASU	DATE OF OCCURRENCE 4/11/20	TIME OF OCCURRENCE 1828
	TIME SEEN 2017	RN NOTIFIED TIME 2017
		PHYSICIAN NOTIFIED TIME NA

BRIEF STATEMENT IN SUBJECT'S WORDS OF THE CIRCUMSTANCES OF THE INJURY OR UNUSUAL OCCURRENCE:

"The inmate spit at me and it landed in my mouth."

INJURIES FOUND? YES / NO

Abrasion/Scratch	
Active Bleeding	
Broken Bone	
Bruise/Discolored Area	
Burn	
Dislocation	
Dried Blood	
Fresh Tattoo	
Cut/Laceration/Slash	
Swollen Area	
Pain	
Protrusion	
Puncture	
Reddened Area	
Skin Flap	
Pre-Existing	
Other	

Chemical Agent Exposure? YES / NO

Chem. Agent Exposure Area **NA** EXDecontaminated w/ Water? YES / NO / REFUSED **NA**Decontaminated w/ Air? YES / NO / REFUSED **NA**Self-decontamination. Instructions given? YES / NO **NA**Staff issued Exposure packet? YES / NO **NA**

Q 15 min. check times

Initial 1017	1 st Check NA
2 nd Check NA	Final NA

TIME/DISPOSITION

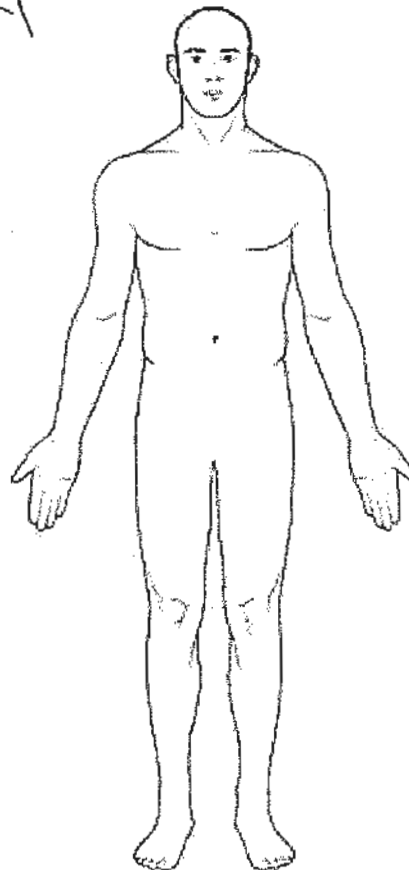
Right



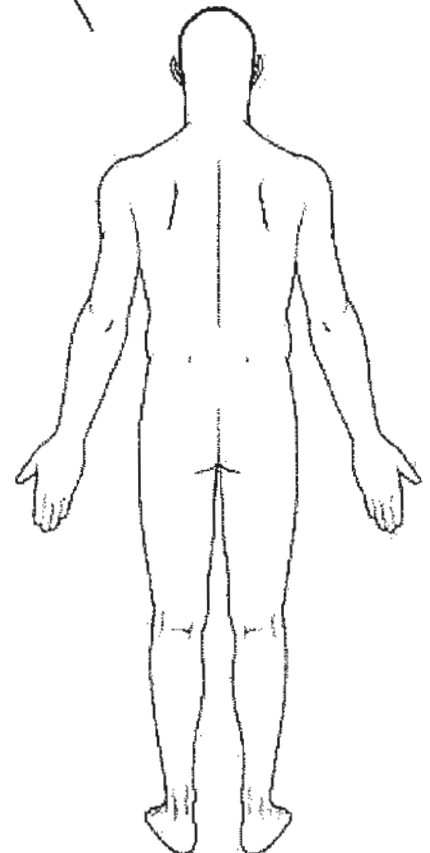
Left



Front



Back



REPORT COMPLETED BY/TITLE (PRINT AND SIGN)

A. An RN

PERNR / INST. ID #

125047
2163810

RDOs

T/W

ASSIGNMENT AREA

TTA

STATE OF CALIFORNIA
**MEDICAL REPORT OF INJURY
OR UNUSUAL OCCURRENCE**
CDCR 7219 (Rev. 01/18)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

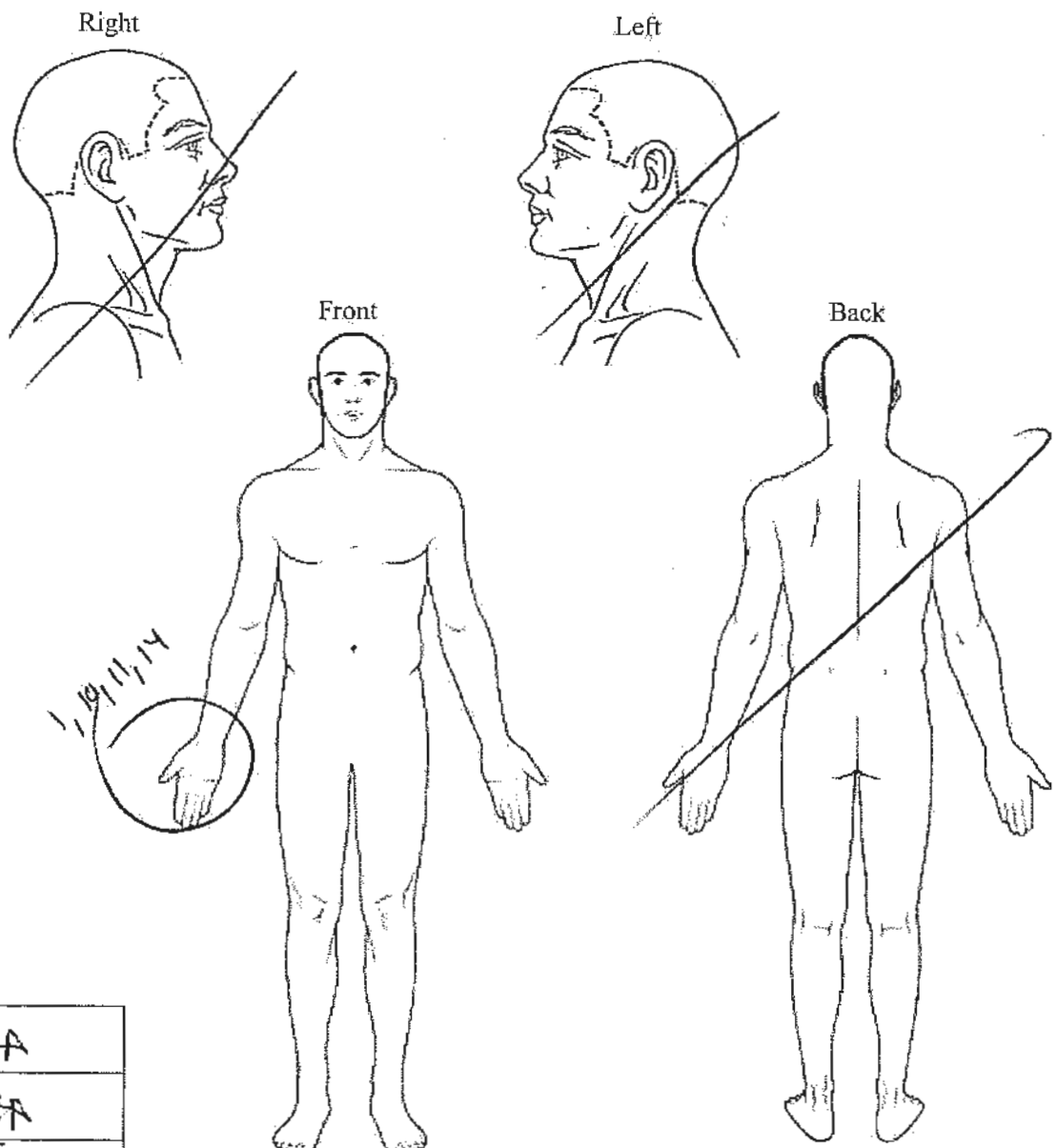
Page 1 of 2

NAME OF INSTITUTION CSP-LAC	LOCATION OF EVALUATION TTA	DATE 4/11/20
REASON FOR REPORT ☐ ALLEGATION ☒ ON THE JOB INJURY ☒ USE OF FORCE ☐ INJURY ☐ OTM RETURNS ☒ UNUSUAL OCCURRENCE ☐ PRE AD/SEG ADMISSION ☐ R&R ☐ OTHER		
NAME [REDACTED]		VISITOR ID # (SOMS)
PLACE OF PSU	4/11/20	1828
2030	2039	N/A

BRIEF STATEMENT IN SUBJECT'S WORDS OF THE CIRCUMSTANCES OF THE INJURY OR UNUSUAL OCCURRENCE

"Injuries sustained during emergency cell rescue"

INJURIES FOUND?	YES / NO
Abrasion/Scratch	1
Active Bleeding	2
Broken Bone	3
Bruise/Discolored Area	4
Burn	5
Dislocation	6
Dried Blood	7
Fresh Tattoo	8
Cut/Laceration/Slash	9
Swollen Area	10
Pain	11
Protrusion	12
Puncture	13
Reddened Area	14
Skin Flap	15
Pre-Existing	16
Other	17
	18
Chemical Agent Exposure?	YES / NO
Chem. Agent Exposure Area	EX
Decontaminated w/ Water?	YES / NO / REFUSED
Decontaminated w/ Air?	YES / NO / REFUSED
Self-decontamination Instructions given?	YES / NO
Staff issued Exposure packet?	YES / NO
Q 15 min. check times	



Initial NA	1 st Check NA
2 nd Check NA	Final NA

TIME/DISPOSITION
Referred to ProActive & RTW @ 2040

REPORT COMPLETED BY/TITLE (PRINT AND SIGN)

J. Mullins RW O. Mullins RW

PERNR / INST. ID #

2163904

RDOs

Sum/Mon

ASSIGNMENT AREA

TTA

STATE OF CALIFORNIA
**MEDICAL REPORT OF INJURY
OR UNUSUAL OCCURRENCE**
CDCR 7219 (Rev. 01/18)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Page 1 of 2

NAME OF INSTITUTION CSP-LAC	LOCATION OF EVALUATION TVA	DATE 4/11/20
REASON FOR REPORT ☐ ALLEGATION ☒ ON THE JOB INJURY ☒ USE OF FORCE ☐ INJURY ☐ OTM RETURNS ☐ UNUSUAL OCCURRENCE ☐ PRE AD/SEG ADMISSION ☐ R&R ☐ OTHER		
NAME [REDACTED]	VISITOR ID# (SOMS) NA	
PLACE OF OCCURRENCE ASU	DATE OF OCCURRENCE 4/11/20	TIME OF OCCURRENCE 182X
	TIME SEEN 2057	RN NOTIFIED TIME 2057
		PHYSICIAN NOTIFIED TIME NA

BRIEF STATEMENT IN SUBJECT'S WORDS OF THE CIRCUMSTANCES OF THE INJURY OR UNUSUAL OCCURRENCE

"During a cell extraction, the inmate kicked the shield which hit my knee."

INJURIES FOUND? ☒ YES / ☐ NO

Abrasion/Scratch	1
Active Bleeding	2
Broken Bone	3
Bruise/Discolored Area	4
Burn	5
Dislocation	6
Dried Blood	7
Fresh Tattoo	8
Cut/Laceration/Slash	9
Swollen Area	10
Pain	☒ 11
Protrusion	12
Puncture	13
Reddened Area	☒ 14
Skin Flap	15
Pre-Existing	16
Other	17
	18

Chemical Agent Exposure? ☒ YES / ☐ NOChem. Agent Exposure Area **NA** EXDecontaminated w/ Water? YES / NO / REFUSED **NA**Decontaminated w/ Air? YES / NO / REFUSED **NA**Self-decontamination instructions given? YES / NO **NA**Staff issued Exposure packet? YES / NO **NA**

Q 15 min. check times

Initial 2057	1 st Check NA
2 nd Check NA	Final NA

TIME/DISPOSITION

2100

REPORT COMPLETED BY/TITLE (PRINT AND SIGN)

A. Aro RN

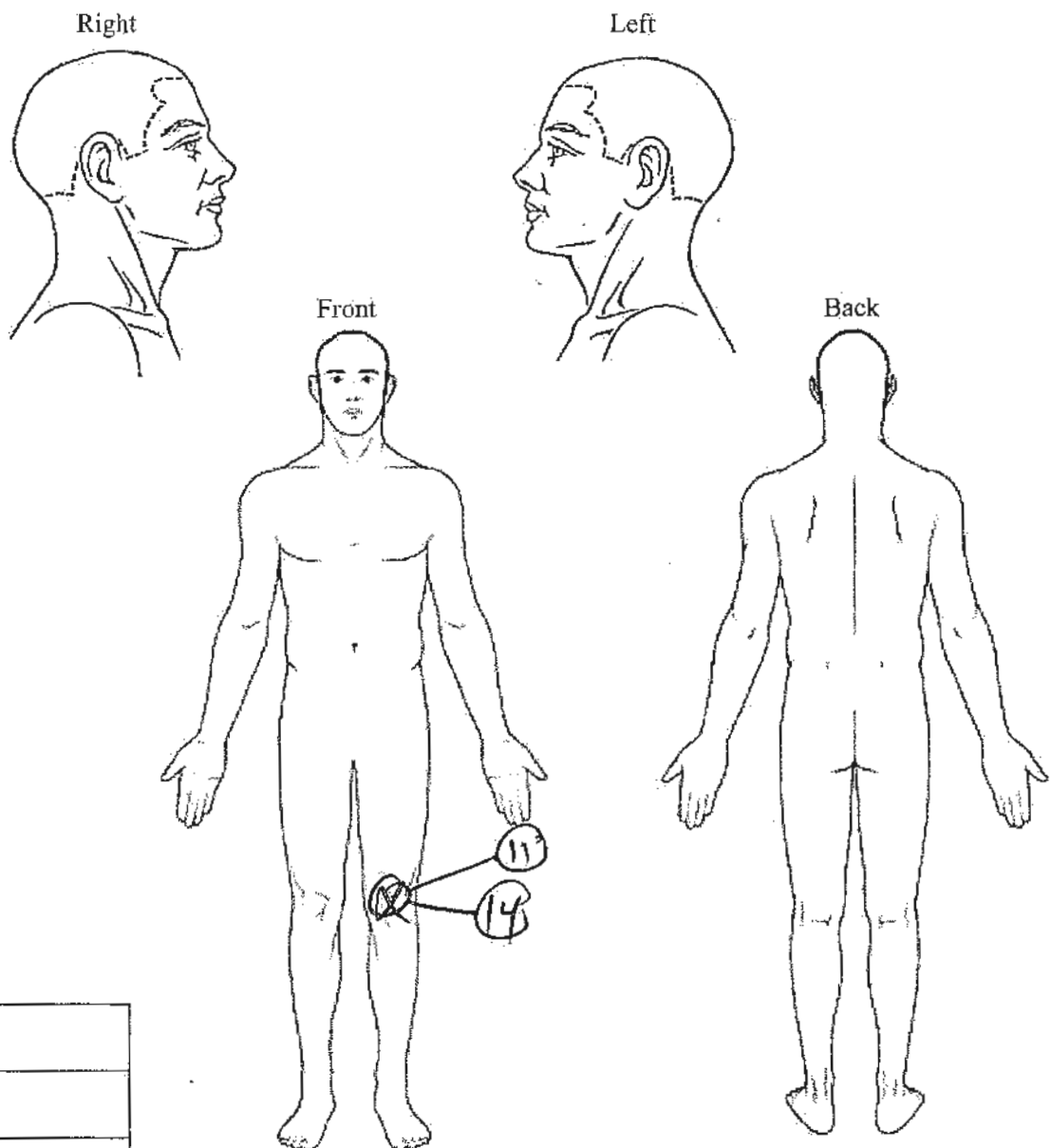
PERNR / INST. ID #

**125047
2165810**

RDOs

T/W

ASSIGNMENT AREA

TVA

STATE OF CALIFORNIA
**MEDICAL REPORT OF INJURY
OR UNUSUAL OCCURRENCE**
CDCR 7219 (Rev. 01/18)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Page 1 of 2

NAME OF INSTITUTION CSP-LAC		LOCATION OF EVALUATION TTA		DATE 4/11/20	
REASON FOR REPORT ☐ ALLEGATION ☒ ON THE JOB INJURY ☒ USE OF FORCE ☐ INJURY ☐ OTM RETURNS					
☒ UNUSUAL OCCURRENCE ☐ PRE AD/SEG ADMISSION ☐ R&R ☐ OTHER					
NAME [REDACTED]					VISITOR ID # (SOMS)
PLACE AB	DATE OF OCCURRENCE 4/11/20	TIME OF OCCURRENCE 1828	TIME SEEN 2008	RN NOTIFIED TIME 2007	PHYSICIAN NOTIFIED TIME N/A

BRIEF STATEMENT IN SUBJECT'S WORDS OF THE CIRCUMSTANCES OF THE INJURY OR UNUSUAL OCCURRENCE

"Injuries sustained during emergency rescue"

INJURIES FOUND?	YES	NO
Abrasion/Scratch	☒	☐
Active Bleeding	☐	☐
Broken Bone	☐	☐
Bruise/Discolored Area	☐	☐
Burn	☐	☐
Dislocation	☐	☐
Dried Blood	☒	☐
Fresh Tattoo	☐	☐
Cut/Laceration/Slash	☐	☐
Swollen Area	☒	☐
Pain	☒	☐
Protrusion	☐	☐
Puncture	☐	☐
Reddened Area	☒	☐
Skin Flap	☐	☐
Pre-Existing	☐	☐
Other	☐	☐
Chemical Agent Exposure?	☒	☐
Chem. Agent Exposure Area	☒	☐
Decontaminated w/ Water?	☐	☐
Decontaminated w/ Air?	☐	☐
Self-decontamination Instructions given?	☐	☐
Staff issued Exposure packet?	☐	☐
Q 15 min. check times		
Initial	N/A	1 st Check
2 nd Check	N/A	Final
	N/A	N/A

Right

Left

Front

Back

7, 11, 14, 10

Referred to Probation & PW 2012

REPORT COMPLETED BY/TITLE (PRINT AND SIGN) J. Mullins RN O'Kullins RN	PERNR/INST. ID # 2163904	RDOs Sun/ren	ASSIGNMENT AREA TTA

STATE OF CALIFORNIA
**MEDICAL REPORT OF INJURY
OR UNUSUAL OCCURRENCE**
CDCR 7219 (Rev. 01/18)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Page 1 of 2

NAME OF INSTITUTION CSP-LAC		LOCATION OF EVALUATION JVA		DATE 4/11/20	
REASON FOR REPORT ☐ ALLEGATION ☐ ON THE JOB INJURY ☒ USE OF FORCE ☒ INJURY ☐ OTM RETURNS ☒ UNUSUAL OCCURRENCE ☐ PRE AD/SEG ADMISSION ☐ R&R ☐ OTHER					
NAME [REDACTED]		CDCR NUMBER [REDACTED]		PERNR / INST. ID # NA	VISITOR ID # (SOMS) NA
PLACE OF OCCURRENCE ASU	DATE OF OCCURRENCE 4/11/20	TIME OF OCCURRENCE 1828	TIME SEEN 1844	RN NOTIFIED TIME 1828	PHYSICIAN NOTIFIED TIME 1859

BRIEF STATEMENT IN SUBJECT'S WORDS OF THE CIRCUMSTANCES OF THE INJURY OR UNUSUAL OCCURRENCE

"They beat the s— out of me."

INJURIES FOUND?	YES / NO
Abrasion/Scratch	1
Active Bleeding	2
Broken Bone	3
Bruise/Discolored Area	4
Burn	5
Dislocation	6
Dried Blood	7
Fresh Tattoo	8
Cut/Laceration/Slash	9
Swollen Area	10
Pain	11
Protrusion	12
Puncture	13
Reddened Area	14
Skin Flap	15
Pre-Existing	16
Other	17
	18

Chemical Agent Exposure? **YES / NO**

Chem. Agent Exposure Area **NA** EX

Decontaminated w/ Water? **YES / NO / REFUSED** **NA**

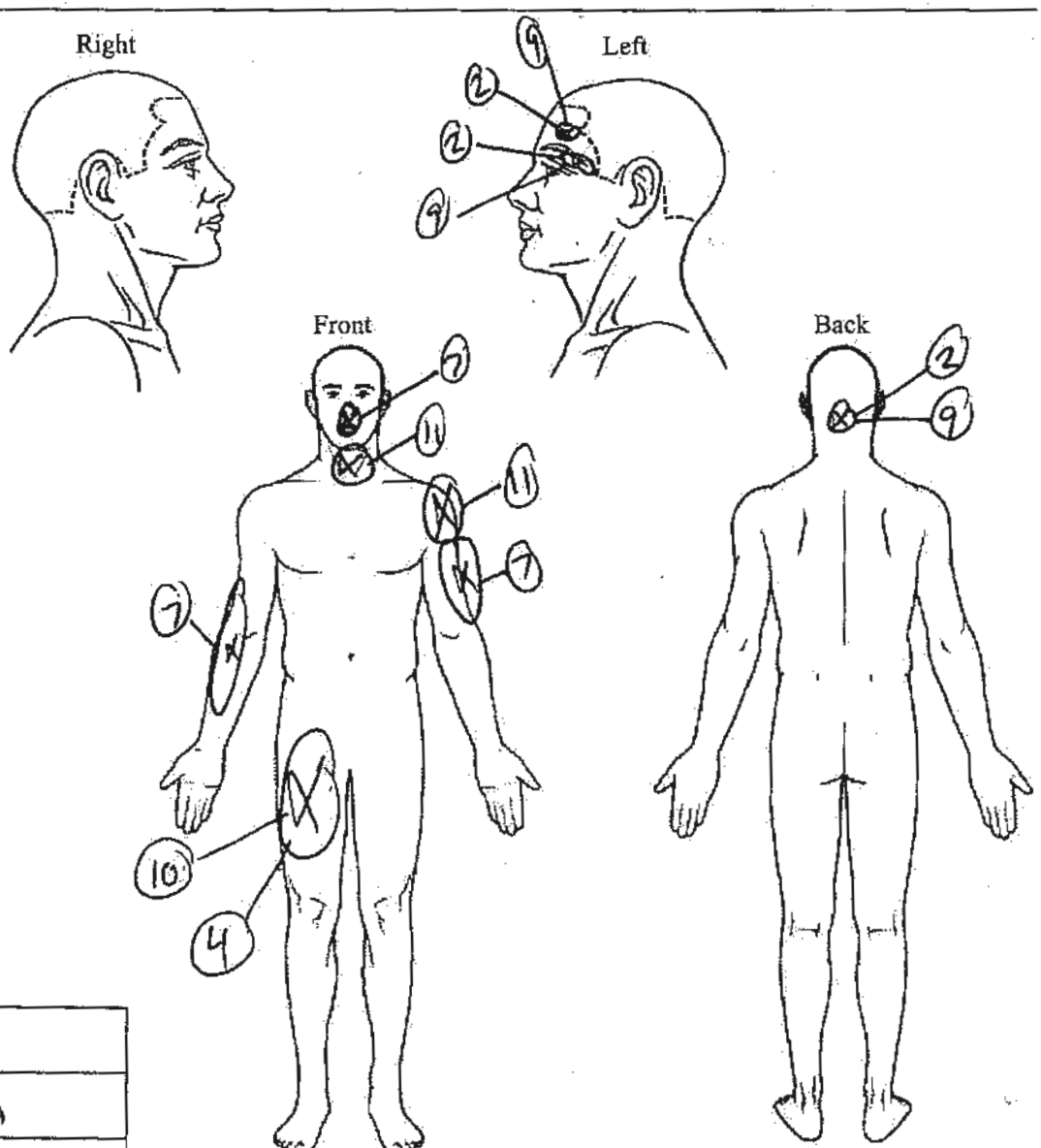
Decontaminated w/ Air? **YES / NO / REFUSED** **NA**

Self-decontamination **NA**

Instructions given? **YES / NO**

Staff issued Exposure packet? **YES / NO**

Q 15 min. check times



Initial 1645	1 st Check NA
2 nd Check NA	Final NA

TIME/DISPOSITION **10:45 AV Hospital**

REPORT COMPLETED BY/TITLE (PRINT AND SIGN)

A. An RN

PERNR / INST. ID #

125047

RDO

T/W

ASSIGNMENT AREA

TTA**2165810**

STATE OF CALIFORNIA
**MEDICAL REPORT OF INJURY
 OR UNUSUAL OCCURRENCE**
 CDCR 7219 (Rev. 01/18)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Page 1 of 2

NAME OF INSTITUTION CSP-LAC		LOCATION OF EVALUATION ASU		DATE 4/12/2020	
REASON FOR REPORT ☒ ALLEGATION ☐ ON THE JOB INJURY ☐ USE OF FORCE ☐ INJURY ☐ OTM RETURNS ☐ UNUSUAL OCCURRENCE ☐ PRE AD/SEG ADMISSION ☐ R&R ☒ OTHER Internment					
NAME [REDACTED]		CDCR NUMBER [REDACTED]		VISITOR ID # (SOMS) NIA	
PLACE OF OCCURRENCE ASU		DATE OF OCCURRENCE 4/12/2020		TIME OF OCCURRENCE 0810	
		TIME SEEN 0810		RN NOTIFIED TIME 0817	
				PHYSICIAN NOTIFIED TIME NIA	

BRIEF STATEMENT IN SUBJECT'S WORDS OF THE CIRCUMSTANCES OF THE INJURY OR UNUSUAL OCCURRENCE

"I had to say I was suicidal to manipulate the system
 to get my wound care" *M. Y. [Signature]*

INJURIES FOUND? (YES / NO)

Abrasion/Scratch	☒
Active Bleeding	2
Broken Bone	3
Bruise/Discolored Area	☒
Burn	5
Dislocation	6
Dried Blood	☒
Fresh Tattoo	8
Cut/Laceration/Slash	9
Swollen Area	☒
Pain	☒
Protrusion	12
Puncture	13
Reddened Area	☒
Skin Flap	15
Pre-Existing	16
Other	17
	18

Chemical Agent Exposure? YES / NO ☒

Chem. Agent Exposure Area EX

Decontaminated w/ Water? YES / NO / REFUSED

Decontaminated w/ Air? YES / NO / REFUSED

Self-decontamination Instructions given? YES / NO ☒Staff issued Exposure packet? YES / NO ☒

Q 15 min. check times

Initial	1 st Check
2 nd Check	Final

TIME/DISPOSITION

Rtc @ 0820

REPORT COMPLETED BY/TITLE (PRINT AND SIGN)

M. Federico

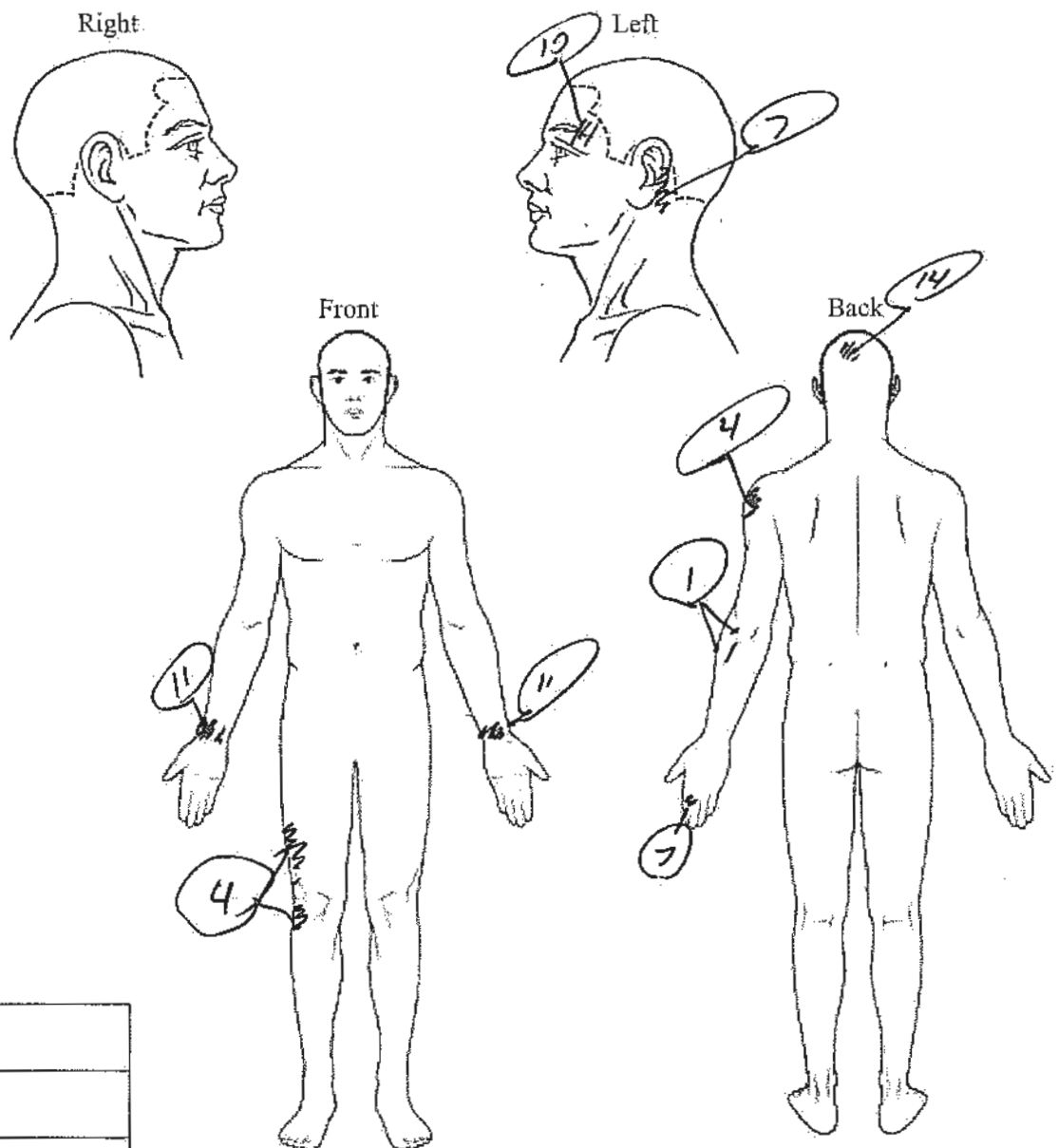
PERNR / INST. ID #

99598**2164688**

RDOs

TA

ASSIGNMENT AREA

ASU

RANGE TRAINING		BATON TRAINING	
DATE	QUALIFYING OFFICIAL	DATE	QUALIFYING OFFICIAL
1/18	<i>[Signature]</i>	1/1/19	<i>[Signature]</i>
1/19	<i>[Signature]</i>	1/28/19	<i>[Signature]</i>
2/29	<i>[Signature]</i>	2/29/19	<i>[Signature]</i>
5/19	<i>[Signature]</i>	2/10/20	<i>[Signature]</i>
4/20	<i>[Signature]</i>		

C 861 (1/88)

CHEMICAL AGENTS TRAINING		EMERGENCY PLANS TRAINING	
DATE	QUALIFYING OFFICIAL	DATE	QUALIFYING OFFICIAL
1/1/19	<i>[Signature]</i>	1/21/19	<i>[Signature]</i>
3/1/19	<i>[Signature]</i>	2/29/19	<i>[Signature]</i>
		2/10/20	<i>[Signature]</i>

STATE OF CALIFORNIA - DEPARTMENT OF CORRECTIONS
WEAPONS QUALIFICATION CARD
CDC 861 (1/88)

MAINTAINING PEACE OFFICER STATUS REQUIRES THAT EACH AFFECTED EMPLOYEE MUST QUALIFY ANNUALLY WITH FIREARMS UNLESS ASSIGNED TO AN ARMED POST (OR V.R.) WHERE QUARTERLY QUALIFICATION IS MANDATED. AN ANNUAL REFRESHER FOR CHEMICAL AGENTS IS ALSO REQUIRED. DEPARTMENTAL POLICY REQUIRES ANNUAL BATON AND ESCAPE PROCEDURES REFRESHER TRAINING.

THIS CARD MUST BE CARRIED UPON YOUR PERSON AT ALL TIMES WHILE ON DUTY AND PRESENTED TO THE ON-SITE RANGEMASTER EACH TIME YOU REPORT TO THE RANGE FOR WEAPONS QUALIFICATION. THIS CARD IS TO VERIFY THAT:

QUALIFICATION REQUIREMENTS ON THE LAST DATE SPECIFIED ON THIS CARD. THIS IS NOT AN OFF DUTY PERMIT.

CLASSIFICATION: CO

ISSUE DATE: 11/06/2018

RANGE TRAINING		BATON TRAINING		ESCAPE PROCEDURES TRAINING	
DATE	QUALIFYING OFFICIAL	DATE	QUALIFYING OFFICIAL	DATE	QUALIFYING OFFICIAL
1/23/19	<i>[Signature]</i>	8/24/19	<i>[Signature]</i>	8-19-19	<i>[Signature]</i>
1/31/19	<i>[Signature]</i>				

CDC 861 (1/88)

CHEMICAL AGENTS TRAINING		EMERGENCY PLANS TRAINING	
DATE	QUALIFYING OFFICIAL	DATE	QUALIFYING OFFICIAL
5/23/19	<i>[Signature]</i>	8-19-19	<i>[Signature]</i>

STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS
WEAPONS QUALIFICATION CARD
CDC 861 (1/88)

MAINTAINING PEACE OFFICER STATUS REQUIRES THAT EACH AFFECTED EMPLOYEE MUST QUALIFY ANNUALLY WITH FIREARMS UNLESS ASSIGNED TO AN ARMED POST (OR V.R.) WHERE QUARTERLY QUALIFICATION IS MANDATED. AN ANNUAL REFRESHER FOR CHEMICAL AGENTS IS ALSO REQUIRED. DEPARTMENTAL POLICY REQUIRES ANNUAL BATON AND ESCAPE PROCEDURES REFRESHER TRAINING.

THIS CARD MUST BE CARRIED UPON YOUR PERSON AT ALL TIMES WHILE ON DUTY AND PRESENTED TO THE ON-SITE RANGE MASTER EACH TIME YOU REPORT TO THE RANGE. THIS CARD IS TO

WEAPONS QUALIFICATION REQUIREMENTS ON THE LAST DATE SPECIFIED ON THIS CARD. THIS IS NOT AN OFF DUTY PERMIT.

CLASSIFICATION: *Correctional Officer*

ISSUE DATE: *8-19-19*

EXHIBIT JJ

Filed Under Seal

EXHIBIT KK

Filed Under Seal

EXHIBIT LL

Template Date: 4/4/2012

Attachment C

**CONFIDENTIAL SUPPLEMENT TO APPEAL
"APPEAL/ALLEGATION INQUIRY"**

DO NOT COPY OR DISTRIBUTE EXCEPT PURSUANT TO CCR Title 15, Section 3084.9(i)(3)(B)1.

Date: October 31, 2019

2140 Log Number: COR-2140-19-520

Inmate/Parolee Name: [REDACTED]

CDC Number: [REDACTED]

Assigned Staff: Correctional Sergeant [REDACTED]

Date and place of interview: October 25, 2019, STRH Sergeant Office.

Accused Staff Member(S):

Correctional Lieutenant E. [REDACTED]

Correctional Sergeant [REDACTED]

Correctional Officer [REDACTED]

Correctional Officer [REDACTED]

Correctional Officer [REDACTED]

Correctional Officer [REDACTED]

Synopsis of Allegation:

Inmate [REDACTED] alleges that on September 3, 2019, staff were preparing to escort him to Administrative Segregation Unit (ASU), when he told Officer [REDACTED] he was not pushing the cart. An unidentified Officer went into the Program Office, Sergeant [REDACTED] came out. Officers [REDACTED] came out from the Gymnasium (gym). Sergeant [REDACTED] pushed the button and said Assault on staff. That is when Officer [REDACTED] slammed [REDACTED] to the ground and started kicking him.

Witnesses:

N/A

Findings:

Interview with Inmate [REDACTED]

On October 25, 2019, Inmate [REDACTED] was interviewed by Correctional Lieutenant [REDACTED] regarding an allegation inquiry 2140 Log Number COR-2140-19-520. During the interview, Inmate [REDACTED] stated that on September 3, 2019, Officer [REDACTED] secured him in waist restraints and was going to escort him to 3A03 ASU; [REDACTED] told officer Chacon he was not going to push the cart. Another Officer (unable to identify), went into the program Office, Sergeant [REDACTED] came out, along with Lieutenant [REDACTED] [REDACTED] came from out the gym. Officers [REDACTED] [REDACTED] were going to escort [REDACTED] to ASU overflow, from there Sergeant [REDACTED] said push

the button and said assault on staff. That is when Officer [REDACTED] slammed [REDACTED] to the ground and they started beating him.

During the interview of inmate [REDACTED] Lieutenant [REDACTED] asked [REDACTED] if he could identify any staff witnesses. Inmate [REDACTED] stated he could not. Lieutenant [REDACTED] asked inmate [REDACTED] if he could identify any inmate witnesses. Inmate [REDACTED] stated he could not, Lieutenant [REDACTED] terminated the interview with inmate [REDACTED].

Interview with Correctional Officer G. [REDACTED]

On Sunday, November 3, 2019, Correctional Sergeant [REDACTED] conducted an interview with Correctional Officer [REDACTED] regarding allegations made by inmate [REDACTED]. Officer [REDACTED] stated she recalled the incident, which took place on September 3, 2019 with inmate [REDACTED]. [REDACTED] stated she recalled [REDACTED] being very agitated and verbally aggressive, fearing for her safety and security she asked Sergeant [REDACTED] for assistance with the escort. [REDACTED] stated she relinquished custody of inmate [REDACTED] to Officer [REDACTED] and left the area. Officer [REDACTED] stated she did not observe any force being used and did not use any force herself. At this point Sergeant [REDACTED] terminated the interview with Officer [REDACTED].

Interview with Correctional Officer [REDACTED]

On Sunday, November 3, 2019, Sergeant [REDACTED] interviewed Officer [REDACTED] regarding allegation inquiry COR-2140-19-520. I asked Officer [REDACTED] if he recalled the incident, which took place on September 3, 2019 with inmate [REDACTED]. Officer [REDACTED] stated he did. Sergeant [REDACTED] asked Officer [REDACTED] to explain what he recalled took place during the incident. Officer [REDACTED] stated, he responded to the alarm, due to a resistive inmate at the 3C Pedestrian Gate. When he arrived to the incident site, he was instructed to respond to Housing Unit 3C01 and retrieve the leg restraints. Officer [REDACTED] stated, once he returned with the leg restraints he applied them on inmate [REDACTED]. Officer [REDACTED] recalls inmate [REDACTED] was being resistive while on the ground by violently twisting his body side to side not complying with staff orders to stop resisting. He relinquished custody of inmate [REDACTED] to Officer E. [REDACTED]. Officer [REDACTED] further stated once the incident quelled he assisted in escorting inmate [REDACTED] to Facility 3A without further incident. I asked Officer [REDACTED] if he observe anyone kick inmate [REDACTED] during the incident. Officer [REDACTED] stated he did not. Officer [REDACTED] stated he did not observe when and/or how inmate [REDACTED] was taken down to the ground, however he assisted with applying Leg Restraints on Inmate [REDACTED]. I asked Officer [REDACTED] if he had anything further to add. Officer [REDACTED] stated he did not. At this point Sergeant [REDACTED] terminated the interview with Officer [REDACTED].

Correctional Officer [REDACTED] CDCR Form 837-C Crime/Incident Report for COR-03C-19-0968:

On November 6, 2019, Correctional Sergeant R. [REDACTED] reviewed Incident Report (IR) COR-03C-19-19-0968. Upon review of the CDCR form 837-C submitted by Correctional Officer [REDACTED] stated in his CDCR form 837-C, "I heard over the institutional radio disruptive 10/15 (inmate) at the 3C Pedestrian Gate. As I responded to the incident Sergeant [REDACTED] instructed me to retrieve a set of leg restraints, I retrieved a set of leg restraints from 3C01 Control and responded back to the incident area. I then applied the leg restraints to inmate [REDACTED]. Sgt [REDACTED] then instructed me to relinquished custody of [REDACTED] to Correctional Sergeant E. [REDACTED]. Licensed Vocational Nurse B. Patterson then conducted a 7219 Medical Evaluation. After evaluation was complete Correctional Officer [REDACTED] and I then

escorted [REDACTED] to 3A Facility. Upon arrival to 3A Pedestrian Gate we relinquished our escort to 3A Facility Staff who continued the escort to Building 3A03." Officer [REDACTED] report is consistent with the information he provided during his interview and reports associated with IR 0968. The force reported by Officer [REDACTED] is consistent with the force that was reported in other reports.

Interview with Correctional Officer B. [REDACTED]

On Sunday, November 03, 2019, Sergeant [REDACTED] interviewed Officer [REDACTED] regarding allegation inquiry COR-2140-19-520. I asked Officer [REDACTED] if he recalled the incident, which took place on September 3, 2019, with inmate [REDACTED]. Officer [REDACTED] stated he did. I asked Officer [REDACTED] to explain what he recalled took place during the incident. Officer [REDACTED] stated he remembered responding to the incident, at the 3C pedestrian gate. When he arrived to the incident site, Officer [REDACTED] were on the ground with inmate [REDACTED] was violently twisting his body side to side while Officers [REDACTED] were ordering him to stop resisting. Officer [REDACTED] stated he applied pressure on Inmate [REDACTED] ankles, while Officer [REDACTED] secured [REDACTED] in leg restraints. Once inmate [REDACTED] complied with orders. Stop resisting, Officer [REDACTED] relinquished inmate [REDACTED] to [REDACTED] further stated, once inmate [REDACTED] was medically evaluated he assisted with escorting inmate [REDACTED] to Facility 3A without further incident. Officer [REDACTED] stated he did not observe how or whom took inmate [REDACTED] to the ground. At this point I terminated the interview with Officer [REDACTED]

Correctional Officer [REDACTED] CDCR Form 837-C Crime/Incident Report for COR-03C-19-09-0968:

On November 6, 2019, Correctional Sergeant [REDACTED] reviewed IR COR-03C-19-19-0968 and the CDCR forms 837-C associated with it. Upon review of the CDCR form 837-C submitted by Correctional Officer B. [REDACTED] stated in his CDCR form 837-C, "I heard via institutional radio, "disruptive 10-15 (inmate), 3C Ped Gate!" I responded to the scene of the alarm in 3C Ped Gate and observed an inmate in the prone position (later identified by his state issued identification card as inmate [REDACTED] With Officers [REDACTED] on [REDACTED] left side of his body and Officer [REDACTED] on [REDACTED] right side of his body to gain compliance and subdue [REDACTED] who was actively resisting staff by violently twisting his body in a left and right motion. I immediately gained control of inmate [REDACTED] legs by placing my left hand on [REDACTED] left ankle and my right hand on [REDACTED] right ankle area, applying downward pressure as Officer [REDACTED] simultaneously applied leg restraints and double locked them. At this time inmate, [REDACTED] stopped actively resisting staff and was assisted to his feet by Officer [REDACTED] I was then order by Sergeant [REDACTED] to relieve Officer [REDACTED] and Officer [REDACTED] relinquished custody to Officer A. [REDACTED] and at this time. Licensed Vocational Nurse B. Patterson arrived and conducted a Medical Evaluation of injury or Unusual Occurrence (CDCR 7219). After the evaluation was completed, Officer [REDACTED] and I escorted [REDACTED] to the 3A Ped Gate. Upon arrival Officer [REDACTED] and I relinquished custody to 3A Custody staff." Officer [REDACTED] report is consistent with the information he provided during his interview and reports associated with IR 0968. The force reported by Officer [REDACTED] is consistent with the force that was reported in other reports. The injuries inmate [REDACTED] incurred were consistent with the type of force reported.

Interview with Correctional Sergeant [REDACTED]

On Wednesday, November 06, 2019, Sergeant [REDACTED] interviewed Sergeant [REDACTED] regarding allegation inquiry COR-2140-19-520. I asked Sergeant [REDACTED] if he recalled the incident, which took place on September 3, 2019, with inmate [REDACTED]. Sergeant [REDACTED] stated he did. I asked Sergeant [REDACTED] to explain what he recalled took place during the incident. Sergeant [REDACTED] stated he became aware of Inmate [REDACTED] refusing to be escorted to Administrative Segregation; Sergeant [REDACTED] explained to inmate [REDACTED] why he was being rehoused in Housing Unit 3A03. When Officers J. [REDACTED] and [REDACTED] began the escort, they walked through the 3C Pedestrian Gate in route to Facility 3A. Inmate [REDACTED] without provocation attempted to assault Officers [REDACTED] and [REDACTED] by violently twisting his body utilizing his elbows as weapons. Officers [REDACTED] and [REDACTED] were required to use immediate force to subdue an attacker, physical force was utilized to take inmate [REDACTED] down to the ground. Sergeant [REDACTED] further stated due to his position and distance from the escort, his view was obstructed and was not able to observe Officers [REDACTED] and [REDACTED] hand placement when they utilized physical force to force inmate [REDACTED] to the ground. Sergeant [REDACTED] stated he did not utilize any force and/or did he make any comments for the escorting Officer to utilize force. I asked Sergeant [REDACTED] if Inmate [REDACTED] was kicked at any point during the incident, Sergeant [REDACTED] he did not observe anyone kick inmate [REDACTED]. I asked Sergeant [REDACTED] if he had anything further to add. Sergeant [REDACTED] stated he did not. At this point I terminated the interview.

Correctional Sergeant [REDACTED] CDCR Form 837-C Crime/Incident Report for COR-03C-19-09-0968:

On November 6, 2019, Correctional Sergeant [REDACTED] reviewed IR COR-03C-19-19-0968. Upon Review of the CDCR form 837-C submitted by Correctional Sergeant [REDACTED] stated in his CDCR form 837-C, "I became aware that inmate [REDACTED] was at the Pedestrian gate arguing with staff what AD-SEG Housing Unit he was going to be housed in. I told inmate [REDACTED] he was going to 3A03 cell 125 due to his Mental Health status. The pedestrian gate was opened and Officers [REDACTED] were escorting inmate [REDACTED]. They exited the gate and walked towards 3A Facility when without provocation inmate [REDACTED] attempted to assault the escorting Officers by violently twisting his body utilizing his elbows as weapons. As a result, [REDACTED] were required to use force due to the imminent threat and force him to the prone position on the ground. Due to my position and distance behind the escort team, my view was obstructed. I was not able to see the officers hand placement as they utilized physical force, to force [REDACTED] to the ground. The third watch supervisors responded and took control of the incident." Sergeant [REDACTED] report is consistent with the information he provided during his interview and reports associated with IR 0968. The force reported by Sergeant [REDACTED] is consistent with the force that was reported in other reports. The injuries inmate [REDACTED] incurred were consistent with the type of force reported.

Interview with Correctional [REDACTED]

On Wednesday, November 6, 2019, Sergeant [REDACTED] interviewed Correctional [REDACTED] via the telephone regarding allegation inquiry COR-2140-19-520. Sergeant [REDACTED] asked [REDACTED] if he recalled the incident, which took place on September 3, 2019 with inmate [REDACTED]. [REDACTED] stated he did. Sergeant [REDACTED] asked Officer [REDACTED] to explain what he recalled took place during the incident. Officer [REDACTED] stated he and Officer [REDACTED] were escorting inmate [REDACTED] from

Facility 3C to Facility 3A. When they walked through the 3C Pedestrian gate inmate [REDACTED] without warning attempted to break free of his grip, specifically his left arm, tricep area. He gave Inmate [REDACTED] several commands to stop resisting. [REDACTED] continued to actively resist and broke free of his grip. [REDACTED] attempted to strike Officer [REDACTED] with his elbows by swinging them both of his elbows in a back and forth motion towards Officer [REDACTED] torso area. Officer [REDACTED] further stated at that time, he placed his right hand on [REDACTED] left tricep area and his left hand on [REDACTED] left wrist, in attempt to gain control of inmate [REDACTED]. Officer [REDACTED] then placed his right leg in front of [REDACTED] left leg, utilizing his combined body weight and forward momentum forced inmate [REDACTED] to the ground in a prone position. [REDACTED] continued to actively resist, Officer [REDACTED] continued to give [REDACTED] commands to stop resisting, Officer [REDACTED] assisted [REDACTED] to his feet and relinquished custody of inmate [REDACTED] to Officer [REDACTED]. Sergeant [REDACTED] asked Officer [REDACTED] if he kicked inmate [REDACTED] at any point during this incident and Officer [REDACTED] stated he did not. Sergeant [REDACTED] asked Officer [REDACTED] if he wanted to add anything further and he stated he did not. At this point Sergeant [REDACTED] terminated the interview with Officer [REDACTED].

Correctional Officer [REDACTED] CDCR Form 837-C Crime/Incident Report for COR-03C-19-0968:

On November 6, 2019, Correctional Sergeant [REDACTED] reviewed IR COR-03C-19-0968. Upon Review of the CDCR form 837-C submitted by Correctional Office [REDACTED] stated. "Officer [REDACTED] and I were instructed by Sergeant [REDACTED] to escort inmate [REDACTED] From Facility 3C to Facility 3A for administrative Segregation Placement in [REDACTED]. As we escorted inmate [REDACTED] through the Facility 3C pedestrian Gate towards 3A Pedestrian Gate suddenly, and without warning inmate [REDACTED] tried to break free of my grip on his left tricep area, I gave [REDACTED] several verbal commands to "STOP RESISTING!" [REDACTED] continued active resistance against my escort and broke free of my grip, trying to strike me several times using his left elbow in a back and forth motion toward my torso area. It was at this time that I placed my right hand on his left tricep area and my left hand on his left wrist area in an attempt to control inmate [REDACTED]. In order to stop inmate [REDACTED] continuous attempt to attack my partner and I with his elbows, I responded immediately without delay by placing my right leg in front of [REDACTED] left leg, and using my combined body weight and forward momentum forced inmate [REDACTED] to the ground in a prone position. Landing with my bodyweight positioned over the left side of [REDACTED] body (from my positioning and focus on inmate [REDACTED] I was unable to see Officer E. [REDACTED] and his hand placement on inmate [REDACTED]. Once on the ground, I gave [REDACTED] several more orders to "STOP RESISTING!" [REDACTED] continued to actively resist my attempt to subdue him. I retained my grip on [REDACTED] left tricep area with my right hand, and my left hand on his left wrist area in order to control [REDACTED] left arm, my bodyweight still positioned over the left side of is body. At this time [REDACTED] stopped actively resisting. Once responding staff arrived, I assisted inmate [REDACTED] to his feet by rolling him to his right side over to his back, sitting him un an upright position, and assisted him up using his own strength to stand up to his feet. I then relinquished custody of inmate [REDACTED] to Officer [REDACTED].

Departmental Operational Manual section 51020.4 states: Immediate use of force is the force used to respond without delay to a situation or circumstance that constitutes an imminent threat to institution/facility security or the safety of persons. Inmat [REDACTED] just committed the act of Assault on a Peace Officer, Resulting in the Use of Force. It is reasonable to assume inmate [REDACTED] attempt to break away from staff were to try and attempt to batter staff. Officer [REDACTED] report is consistent with the information he provided during his interview and reports associated with IR 0968. The force reported by Officer [REDACTED] is within departmental policy and Title 15, California Code of Regulations

section 3268 (a)(1) which states: Reasonable force is the force that an objective, trained and competent correctional employee, faced with similar facts and circumstances, would consider necessary and reasonable to subdue an attacker, overcome resistance, effect custody, or gain compliance with a lawful order. The injuries inmate [REDACTED] incurred were consistent with the type of force reported.

Interview with Correctional Lieutenant [REDACTED]

On Wednesday, November 6, 2018, Sergeant [REDACTED] interviewed Lieutenant [REDACTED] via the telephone regarding allegation inquiry COR-2140-19-520. Sergeant Roque asked Lieutenant [REDACTED] if he recalled the incident, which took place on September 3, 2019, with inmate [REDACTED]. Lieutenant [REDACTED] stated he did. Sergeant [REDACTED] asked Lieutenant [REDACTED] to explain what he recalled took place during the incident. Lieutenant [REDACTED] stated he was in the Facility Program Office when he heard via institutional radio "resistive inmate at the 3C Ped Gate." Lieutenant [REDACTED] walked out to the 3C Patio and observed inmate [REDACTED] being medically evaluated Medical staff by the 3C Ped Gate, at this time, Lieutenant [REDACTED] left the scene. Sergeant [REDACTED] asked Lieutenant [REDACTED] if he observed anyone utilize force. Lieutenant [REDACTED] stated he did not. Lieutenant [REDACTED] stated he did not have any further information. At this point, I terminated the interview with Lieutenant [REDACTED]

Review of CDCR Form 7219 Medical Report of Injury or Unusual Occurrence for Inmate [REDACTED]

CDCR Form 7219 Medical Report of Injury or Unusual Occurrence completed on day of incident documents no injuries. CDCR 7219 does not indicate any injuries consistent with inmate [REDACTED] allegations of being beat/kicked.

Review of CDCR Form 7219 Medical Report of Injury or Unusual Occurrence for Inmate [REDACTED]

CDCR Form 7219 Medical Report of Injury or Unusual Occurrence for inmate [REDACTED] dated September 3, 2019, completed upon arrival to ASU, documents the following injuries: Cut/Laceration/Slash his lips, swollen area/pain to left cheek. The injuries documented on the CDCR form 7219 for inmate Thompson are consistent with the force reported by staff.

Review of Videotaped Interview on Inmate [REDACTED] conducted on October 14, 2019:

On November 3, 2019, Sergeant [REDACTED] reviewed the Videotaped interview of inmate [REDACTED] which was recorded on October 25, 2019. During the videotaped interview inmate, [REDACTED] stated Officer [REDACTED] was escorting him to ASU when he refused to push a cart. An unidentified Officer Went into the Program Office and Sergeant [REDACTED] exited the Program Office. Officers [REDACTED] exited the gym. They were escorting [REDACTED] to Administrative Segregation, and Sergeant [REDACTED] pushed the button and said Assault on Staff and that is when [REDACTED] slammed him to the ground and they started kicking him. When asked if he could identify any staff witnesses' inmate [REDACTED] stated he could not. When asked if inmate [REDACTED] could identify any inmate witnesses he stated he could not.

Review of CDCR Form 3013-1 Inmate Interview for GBI or SBI Worksheet for Inmate [REDACTED]

On November 3, 2019, Correctional Sergeant [REDACTED] reviewed the CDCR Form 3013-1 Inmate Interview for GBI or SBI Worksheet for Inmate [REDACTED]. Inmate [REDACTED] did incur Serious Bodily Injury and/or Great Bodily Injury. Inmate [REDACTED] made an allegation of unnecessary use of force. All of the pertinent questions were asked of inmate [REDACTED]. According to the CDCR 3013-1 inmate [REDACTED] was informed the purpose of this interview was to address the Serious Bodily Injury as the result of the use of force used by staff in reference to IR COR-03C-19-09-0968, which took place at California State Prison, Corcoran on September 3, 2019. Lieutenant [REDACTED] asked inmate [REDACTED] if he incurred any injuries as a result of this use of force and inmate [REDACTED] stated he did. When inmate [REDACTED] was asked to explain in his own words what transpired, he stated he was taken down to the ground and kicked while on the ground. Inmate [REDACTED] claims Office [REDACTED] unnecessarily took him down to the ground, once on the ground staff began to kick him. When asked if he could identify any staff witnesses' inmate [REDACTED] stated he could not. When asked if inmate [REDACTED] could identify any inmate witnesses he stated he could not.

Review of CDCR Form 3013-2 Inmate Interview for Allegation Worksheet for Inmate [REDACTED]

On September 3, 2019, Correctional Sergeant [REDACTED] reviewed the CDCR Form 3013-2 Inmate Interview for GBI or SBI Worksheet for [REDACTED]. [REDACTED] did incur Serious Bodily Injury and/or Great Bodily Injury as a result of the force used by staff. [REDACTED] incurred a left fracture jaw. According to the CDCR 3013-2 inmate [REDACTED] was informed the purpose of this interview was to address the allegation of unnecessary use of force in reference to IR COR-03C-19-09-0968, which took place at California State Prison, Corcoran on September 3, 2019. Lieutenant [REDACTED] asked inmate [REDACTED] if he incurred any injuries as a result of this use of force and inmate [REDACTED] stated he did. Inmate [REDACTED] alleged he sustained a broken jaw, when inmate [REDACTED] was asked to explain in his own words what transpired. He stated staff were preparing to escort him to ASU, when he told Officer [REDACTED] he was not pushing the cart. An unidentified Officer went into the Program Office and Sergeant [REDACTED]. Lieutenant [REDACTED] came out of the Program Office, Officer [REDACTED] came out of the gym. They were escorting him to ASU and Sergeant [REDACTED] pushed the button and said Assault on staff. That is when Officer [REDACTED] slammed him to the ground and they started kicking him. When asked if he could identify any staff witnesses' inmate [REDACTED] stated he could not. When asked if inmate [REDACTED] could identify any inmate witnesses he stated he could not.

Review of CDCR Form 3014 Report of Findings – Inmate Interview for [REDACTED]

On Sunday November 3, 2019, Correctional Sergeant R. Roque reviewed the CDCR Form 3014 Report of Findings – Inmate Interview. On the 3014, it documents inmate [REDACTED] was unable to identify any inmate and/or custody witnesses. On the 3014, review of evidence and conclusion Lieutenant [REDACTED] completed speaks to the injuries sustained by inmate [REDACTED] as documented on the CDCR Form 7219 and the Serious Bodily Injury Attachment C Chrono. Lieutenant [REDACTED] determined the injuries incurred by inmate [REDACTED] are consistent with the force reported by custody staff. According to the 3014 Correctional Lieutenant [REDACTED] recommended no further action.

Conclusion:

An inquiry into the allegation made by inmate [REDACTED] has been completed. Upon completion of all interviews provided by inmate [REDACTED], the accused staff members, staff witnesses, reviewing CDCR Form 7219 Medical Report of Injury or Unusual Occurrence for inmate [REDACTED], reviewing IR COR-03C-19-09-0968 and all applicable reports, reviewing videotaped interview of inmate [REDACTED] dated October 25, 2019 and the CDCR form 3013-1 and 3013-2 associated with it, and DOM Section 51020.4, Title 15 CCR section 3268 (a)(1) the following has been determined:

There is no evidence to support inmate [REDACTED] allegations against staff. There was no information obtained during the course of this inquiry to substantiate the allegation contained in this appeal. Based on the aforementioned information, inmate [REDACTED] allegations are unfounded. There is no evidence indicating any of the accused staff were involved in any wrongdoing.

Print and sign below:

Name

[REDACTED]

11/6/19
Date

Name

[Signature]

Hiring Authority

Sign

[Signature]

11/6/19
Date

EXHIBIT MM

Filed Under Seal

EXHIBIT NN

CDCR
REPORT NO. ITR161 - 12

INCIDENT REPORT PACKAGE
INCIDENT LOG NUMBER: 000000000002495

PAGE: 12
PROCESSED: 03/04/2020 07:32
REQUESTOR: A. Watt

STAFF NARRATIVE

STAFF NAME: [REDACTED]
CREATED DATE: 02/25/2020

NARRATIVE TYPE: Initial Report
CREATED TIME: 10:01:57

NARRATIVE

Precipitating Events:

On 2-18-2020, at 0750 hours Officers R. [REDACTED] were escorting inmate [REDACTED] from his assigned cell to IEM #6. Officers R. [REDACTED] were in the process of placing [REDACTED] inside IEM #6 when [REDACTED] suddenly stated that he was not going in there, he suddenly stepped back and turned into Officer L. [REDACTED]. Officer L. [REDACTED] had to use physical to stop [REDACTED] resistive behavior. Officer L. [REDACTED] forced [REDACTED] into the prone position to defend himself from [REDACTED] attack. Once Officer L. [REDACTED] physically forced [REDACTED] down to the ground into the prone position he complied with all of Staff's orders.

Alarm:

Officer [REDACTED] announced Code 1 via radio.

Use of force:

Officer [REDACTED] used physical force.

Victims:

Officer [REDACTED]

Suspect:

Escort:

Officers R. [REDACTED] escorted [REDACTED] to IEM #6.

Notification:

Watch Commander Lieutenant [REDACTED] was notified whereupon all Administrative contacts were made.

Conclusion:

[REDACTED] was medically cleared and rehoused into Administrative Segregation on Facility B Yard. I asked [REDACTED] what was the cause of his inappropriate behavior, [REDACTED] answered that he got scared because he didn't know what was happening. [REDACTED] will receive one CDC 115 Rules Violations for Obstructing Resisting a Peace Officer.

[REDACTED]
STAFF SIGNATURE

DATE: 02/28/2020

BADGE #:

PERNR:

NARRATIVE REVIEWED: Yes

REVIEWED BY STAFF: Garcia,

REVIEWED DATE: 02/28/2020

REVIEWED TIME: 07:18:04

CDCR
REPORT NO. ITR161 - 12

INCIDENT REPORT PACKAGE
INCIDENT LOG NUMBER: 00000000002495

PAGE: 13
PROCESSED: 03/04/2020 07:32
REQUESTOR: A. Watt

STAFF NARRATIVE

STAFF NAME: [REDACTED]
CREATED DATE: 02/18/2020

NARRATIVE TYPE: Initial Report
CREATED TIME: 11:31:11

NARRATIVE

On February 18, 2020, at approximately 0745 hours, while working Facility B Program 2 Sergeant, I instructed Officer [REDACTED] to go to Housing Unit [REDACTED] place Inmate [REDACTED] in handcuffs, and escort him to an Individual Exercise Module (IEM) in order for me to conduct an interview. At approximately 0750 hours while I was sitting at my desk about to go interview Inmate [REDACTED], I heard "Code 1 by IEM's" announced via radio. I responded towards the IEM's. As I arrived by the IEM's, I saw an Inmate, later identified as Inmate [REDACTED] on the ground in handcuffs in a prone position. I saw Officer [REDACTED] kneeling next to Inmate [REDACTED] maintaining control of him. Officer [REDACTED] informed me he was attempting to secure Inmate [REDACTED] in the IEM when he became resistive and turned towards him resulting in him utilizing physical force. I instructed Officer [REDACTED] to escort Inmate [REDACTED] to an IEM. I established no staff were injured, confirmed that all required code 1 staff including medical staff had arrived with all their required equipment, and secured the alarm. I instructed medical staff to complete a CDC 7219 Medical Report of Injury or Unusual Occurrence on Inmate [REDACTED]. Once medical staff was completed, I interviewed [REDACTED] regarding his actions towards staff. Inmate [REDACTED] stated he was just agitated because he didn't know what was going on.

[REDACTED]
STAFF SIGNATURE

DATE: 02/18/2020

BADGE #:

PERNR:

NARRATIVE REVIEWED: Yes
REVIEWED DATE: 02/25/2020

REVIEWED BY STAFF: Machado,
REVIEWED TIME: 10:08:34

STAFF NAME: [REDACTED]
CREATED DATE: 02/18/2020

NARRATIVE TYPE: Initial Report
CREATED TIME: 11:17:19

NARRATIVE

On 02/18/2020, at approximately 0745 hours, while performing my duties as Facility B Yard 2, I was instructed by Sergeant [REDACTED] to report to Housing Unit 4 A-Section [REDACTED] to place Inmate [REDACTED] in restraints and escort him to the Individual Exercise Module (IEM) for an interview. I reported to Housing Unit 4 [REDACTED] and ordered [REDACTED] to stand up, walk backwards, with his hands behind his back to the cell door, he complied. I applied the handcuffs securing both hands. I ordered [REDACTED] to step forward to the back of the cell, he complied. I signaled the Control Officer to open the cell door and I ordered [REDACTED] to step back, he complied. I conducted a clothed body search with negative results for contraband. At approximately 0750 hours, I escorted [REDACTED] to IEM's where Officer R. [REDACTED] conducted a search of IEM# 6 while I maintained control of [REDACTED] right tri-cep with my left hand. I ordered [REDACTED] to step inside IEM# 6, he stated "I'm not going in there" and stepped back and turned his body to the right facing me. I ordered [REDACTED] to get Down, [REDACTED] did not comply. In order to stop the resistance and prevent an attack on me, I grabbed [REDACTED] left arm with both hands and applied downward pressure as I simultaneously performed a leg sweep with my left foot to his left leg while pushing him forward, causing him to hit the ground with his face and left side of his body. I landed on the ground on the left side of [REDACTED] Inmate [REDACTED] started to thrash his body from side to side. I ordered [REDACTED] to stop resisting, [REDACTED] stopped his actions. I maintained control of [REDACTED] by placing my right hand on his left tri-cep and my left hand on his left shoulder with my right knee on the ground at the left side of [REDACTED] body in the prone position. Responding staff arrived and I released control. I stood up and provided visual coverage of [REDACTED] Sergeant G. Ybarra arrived and I informed him of the event that took place. I retrieved my state issued handcuffs from [REDACTED]

[REDACTED]
STAFF SIGNATURE

DATE: 02/18/2020

BADGE #:

PERNR:

NARRATIVE REVIEWED: Yes
REVIEWED DATE: 02/18/2020

REVIEWED BY STAFF: Ybarra,
REVIEWED TIME: 11:56:32

CDCR
REPORT NO. ITR161 - 12

INCIDENT REPORT PACKAGE
INCIDENT LOG NUMBER: 00000000002495

PAGE: 14
PROCESSED: 03/04/2020 07:32
REQUESTOR: A. Watt

STAFF NARRATIVE

STAFF NAME: [REDACTED]
CREATED DATE: 02/18/2020

NARRATIVE TYPE: Initial Report
CREATED TIME: 11:12:13

NARRATIVE

On February 18, 2020 at approximately 0745 hours as I was working Facility B Yard 3, I was instructed by Sergeant [REDACTED] to escort Inmate [REDACTED] to the IEM (Individual Exercise Module) for interviewing. I reported to Housing Unit 4-A-section [REDACTED] where [REDACTED] was placed in handcuffs through the cuff port by Officer [REDACTED] and escorted [REDACTED] out of the building, I provided visual coverage during the escort. At approximately 0750 L. [REDACTED] and I approached the IEM's and I conducted a search of IEM #6 for contraband with negative results. I moved the left of the IEM door so [REDACTED] can be placed inside. [REDACTED] got to the IEM door and without warning stepped back and turned towards L. [REDACTED] immediately stepped back and pulled him to the ground and placed him in a prone position. I called a Code 1 via institutional radio and provided coverage until responding staff arrived. Responding staff arrived and [REDACTED] instructed me to place [REDACTED] in IEM# 6. I ordered [REDACTED] to sit on his buttocks and stand to his feet, he complied and I assisted [REDACTED] by grabbing his right forearm while he stood up. I placed Blair in IEM #6 and secured the IEM door. I removed the handcuffs through the cuff port and performed an unclothed body search with negative results for contraband. I re-issued him his state socks, boxers and t-shirt. I returned the handcuffs back to L. [REDACTED] I started a holding cell log.

STAFF SIGNATURE

DATE: 02/18/2020

BADGE #:

PERNR:

NARRATIVE REVIEWED: Yes

REVIEWED BY STAFF: Ybarra, [REDACTED]

REVIEWED DATE: 02/18/2020

REVIEWED TIME: 11:36:26

EXHIBIT 00

Template Date 4/4/2012
State of California

Attachment E-2
Department of Corrections and Rehabilitation

Memorandum

Date : June 11, 2020

To : [REDACTED]
Kern Valley State Prison
Facility D

Subject: **STAFF COMPLAINT RESPONSE - APPEAL # CCI-0-20-01379 SECOND LEVEL RESPONSE**

APPEAL ISSUE: The Appellant alleges Officers used excessive force against the Appellant by punching, kicking him in the head, face and body while the Appellant was handcuffed. The Appellant then alleges he was verbally threatened. The Appellant claims Staff violated his Eighth Amendment. The Appellant is requesting to be compensated for pain, suffering, physical injuries and emotional distress.

DETERMINATION OF ISSUE: Your allegation of staff misconduct has been reviewed by the Hiring Authority. As a result of the review your appeal was referred for allegation inquiry.

SUMMARY FOR APPEAL INQUIRY:

You were interviewed on June 11, 2020 by Lieutenant [REDACTED] and you stated you had nothing further to add and you wished to continue with your appeal.

➤ **An Appeal Inquiry has been conducted and reviewed by the Hiring Authority.** The following individuals were interviewed: Sergeant [REDACTED] Officer R. [REDACTED] and Officer [REDACTED]. As a result of your staff misconduct allegation the following information was reviewed: Incident Log number 2495, and Inmate/Parolee Appeal CDCR 602 Log number CCI-0-20-01379. Staff did not violate CDCR policy with respect to the issues raised.

FINDINGS:

Your appeal is **PARTIALLY GRANTED** in that:

- An Appeal Inquiry into your allegation has been conducted.

ALL STAFF PERSONNEL MATTERS ARE CONFIDENTIAL IN NATURE. As such, the details of any inquiry or investigation will not be shared with staff, members of the public, or offender appellants. Although you have the right to submit a staff complaint, a request for administrative action regarding staff or the placement of documentation in a staff member's personnel file is beyond the scope of the staff complaint process. Allegations of staff misconduct do not limit or restrict the availability of further relief via the inmate appeals process. If you wish to appeal the decision, you must submit your staff complaint appeal through all levels of appeal review up to, and including, the

Template Date 4/4/2012

Attachment E-2

Page 2

Secretary's Level of Review. Once a decision has been rendered at the Third Level, your administrative remedies will be considered exhausted.



Name B Cates Signature B Cates Date 6-15-2020
Hiring Authority

9.8

STATE OF CALIFORNIA
INMATE/PAROLEE APPEAL
CDCR 602 (REV. 08/09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Side 1

IAB USE ONLY

Institution/Parole Region:

Log #

Category:

KYSF-0-20-01437

7

CCI-0-20-01379

FOR STAFF USE ONLY

You may appeal any California Department of Corrections and Rehabilitation (CDCR) decision, action, condition, policy or regulation that has a material adverse effect upon your welfare and for which there is no other prescribed method of departmental review/remedy available. See California Code of Regulations, Title 15, (CCR) Section 3084.1. You must send this appeal and any supporting documents to the Appeals Coordinator (AC) within 30 calendar days of the event that lead to the filing of this appeal. If additional space is needed, only one CDCR Form 602-A will be accepted. Refer to CCR 3084 for further guidance with the appeal process. No reprisals will be taken for using the appeal process.

Appeal is subject to rejection if one row of text per line is exceeded.

WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last)

Assignment:

State

APR 27 2020

11/15/20 Excessive Force / STAFF COMPLAINT

A. Explain your issue (If you need more space, use Section A of the CDCR 602-A): On the morning of 2-18-20 at or around 7:45 am, [redacted] and C/O [redacted]

and five or six other C/O's came and got me and my celly [redacted] from our cell and told us to cuff up. I explained to C/O [redacted]

B. Action requested (If you need more space, use Section B of the CDCR 602-A): Defendants, C/O's [redacted] used excessive force against Plaintiff Petitioner [redacted] by punching and hitting me in the head, face and body while handcuffed when I was not violating

Supporting Documents: Refer to CCR 3084.3.

☐ Yes, I have attached supporting documents.

List supporting documents attached (e.g., CDC 1083, Inmate Property Inventory; CDC 128-G, Classification Chrono):

☒ No, I have not attached any supporting documents. Reason: Unable to obtain as requested medical also Review to retrieve supporting documents or get copies because of lockdown.

Inmate/Parolee Signature

Submitted: 3-18-20

☐ By placing

receive an interview.

C. First Level - Staff Use Only

Staff - Check One: Is CDCR 602-A Attached? ☐ Yes ☐ No

This appeal has been:

☐ Bypassed at the First Level of Review. Go to Section E.☐ Rejected (See attached letter for instruction) Date: _____ Date: _____☐ Cancelled (See attached letter) Date: _____☐ Accepted at the First Level of Review.

Assigned to: _____

Title: _____

Date Assigned: _____

Date Due: _____

First Level Responder: Complete a First Level response. Include interviewer's name, title, interview date, location, and complete the section below.

Date of Interview: _____

Interview Location: _____

Your appeal issue is: ☐ Granted ☐ Granted in Part ☐ Denied ☐ Other: _____

See attached letter. If dissatisfied with First Level response, complete Section D.

Interviewer: _____

(Print Name)

Title: _____

Signature: _____

Date completed: _____

Reviewer: _____

(Print Name)

Title: _____

Signature: _____

Date received by AC: _____

AC Use Only

Date mailed/delivered to appellant ____/____/____

STAFF USE ONLY

CCI - APPEALS
MAY 1 '20 AM 10:53

BYPASS

D. If you are dissatisfied with the First Level response, explain the reason below, attach supporting documents and submit to the Appeals Coordinator for processing within 30 calendar days of receipt of response. If you need more space, use Section D of the CDCR 602-A.

BYPASS

E. Second Level - Staff Use Only

Staff - Check One: Is CDCR 602-A Attached? ☒ Yes ☐ No

This appeal has been:

☐ By-passed at Second Level of Review. Go to Section G.

☐ Rejected (See attached letter for instruction) Date: _____

☐ Cancelled (See attached letter)

☒ Accepted at the Second Level of Review

Assigned to: CDW/BAY Title: _____ Date Assigned: 5/1/20 Date Due: 6/15/20

Second Level Response: Complete a Second Level response. If an interview at the Second Level is necessary, include interviewer's name and title, interview date and location, and complete the section below.

Date of Interview: 6-11-2020

Interview Location: B UNIT OFFICE

Your appeal issue is: ☒ Granted ☐ Denied ☐ Other: _____

See attached letter. If dissatisfied with Second Level response, complete Section F below.

Interviewer: L. McHaddoo Title: CF Signature: _____ Date completed: 6-11-20

Reviewer: B. Galt Title: CDW Signature: _____ Date received by AC: 06/15/2020

AC Use Only

Date mailed/delivered to appellant 06/16/2020

F. If you are dissatisfied with the Second Level response, explain reason below, attach supporting documents and submit by mail for Third Level Review. It must be received within 30 calendar days of receipt of prior response. Mail to: Chief, Inmate Appeals Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001. If you need more space, use Section F of the CDCR 602-A.

G. Third Level - Staff Use Only

This appeal has been:

☐ Rejected (See attached letter for instruction) Date: _____

☐ Cancelled (See attached letter) Date: _____

☐ Accepted at the Third Level of Review. Your appeal issue is ☐ Granted ☐ Denied ☐ Other: _____

See attached Third Level response.

Third Level Use Only

Date mailed/delivered to appellant _____

H. Request to Withdraw Appeal: I request that this appeal be withdrawn from further review because: State reason. (If withdrawal is conditional, list conditions.)

Print Staff Name: _____ Title: _____ Signature: _____ Date: _____

Inmate/Parolee Signature: _____ Date: _____

STATE OF CALIFORNIA
INMATE/PAROLEE APPEAL FORM ATTACHMENT
CDCR-0602-A (REV. 03/12)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Side 1

IAB USE ONLY	Institution/Parole Region	Log #:	Category:
		20-01437	7
		01-0-20-01379	

Attach this form to the CDCR 602, only if more space is needed. Only one CDCR 602-A may be used.

Appeal is subject to rejection if one row of text per line is exceeded. WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First):	CDC Number:	Unit/Cell Number:	Assignment:
A. Continuation of CDCR 602, Section A only (Explain your issue): that I had a waist chain chrono, he said, "I don't give a fuck, cuff up" so I cuffed up along with my celly. They took my celly into BTR while [redacted] and two or three other C/O's took me through the network passing BTR going towards 548 block, but instead took a sharp left coming out of the network walling me down the back wall of visiting and the back cages. C/O [redacted] then tells me, "so you like to make threats". He then punches me in the back right side of my head twice and in the right side of my face twice causing the left side of my head/forehead to hit the back wall. I fell down the wall and to the ground. C/O's [redacted] and other C/O's began to punch and kick me in the face, head and body while still handcuffed to the ground while saying, "so you like to make threats, huh." I hear one of the C/O's watching and C/O [redacted], "you want me to tell it?" C/O [redacted] says, "yes, he's bleeding now push the alarm." When Sgt. [redacted] and Sgt. [redacted] came, Sgt. [redacted] threatened me saying, "Shut the fuck up, take your lumps. I'll come and beat your ass, give you a staff assault to add 20 more years on that 2038 date."			APR 27 2020 STAFF USE ONLY CCI - APPEALS MAY 1 '20 AM 10:53
Inmate/Parolee Signature: [redacted]		Date Submitted: _____	

B. Continuation of CDCR 602, Section B only (Action requested): any prison rule, and was not acting disruptively. C/O's [redacted] violated Plaintiff [redacted] rights under the Eighth Amendment and caused Plaintiff [redacted] pain, suffering, physical and emotional distress. Sgt. [redacted] actions by threatening me violated and continues to violate Plaintiff [redacted] right under the Eighth Amendment to the U.S. Constitution causing Plaintiff [redacted] emotional pain, suffering and emotional distress. I want an formal investigation into the actions of the defendants/C/O's & Sgt's. I want it to be documented in their files of the misconduct and/or written up. And I want compensatory damages for pain, suffering, physical injuries and emotional distress. And I want them to get additional training.

Inmate/Parolee Signature: [redacted]	Date Submitted: 3-18-20

Inmate/Parolee Signature: _____

Date Submitted: _____

F. Continuation of CDCR 602, Section F only (Dissatisfied with Second Level response):

Inmate/Parolee Signature: _____

Date Submitted: _____

D. Continuation of CDCR 602, Section D only (Dissatisfied with First Level response):

EXHIBIT PP

Report of Findings – Inmate Interview

INCIDENT SITE/LOCATION		INCIDENT / APPEAL / FF LOG #	
Facility C Building 8 B-Section Dayroom		KVSP-0-19-02775	
DESCRIPTION OF THE INCIDENT		INCIDENT DATE	
Unnecessary Use of Force		7/8/2019	
NAME AND TITLE OF INTERVIEWER		NAME AND TITLE OF CAMERA OPERATOR	
[REDACTED]		[REDACTED]	
INMATE NAME AND CDCR#	DATE OF INTERVIEW	NAME AND TITLE OF TRANSLATOR (IF UTILIZED)	
[REDACTED]	7/16/2019	N/A	

The Report of Findings shall be conducted by custodial supervisors (sergeants or lieutenants) who did not use, or observe the force used, in the incident.

INMATE INTERVIEW		Yes	No	N/A
1.	Did the inmate refuse to participate in the interview? If so, please provide the name and title of staff who asked the inmate to participate. Name: _____ Title: _____	☐	☒	
2.	What is the reason for the interview? ☐ Serious Bodily Injury ☐ Great Bodily Injury ☒ Allegation			
a.	If there was an allegation, describe the allegation: <i>Description:</i> Allegation of Unnecessary Use of Force.			
3.	Summarize the statements made by the inmate during the interview: <i>Summary:</i> The appellant is alleging on July 8, 2019, Correctional Officers grabbed him and forcefully picked the appellant from a table in the B-Section Dayroom and handcuffed him behind the back. The appellant contends he cannot walk without his cane and by doing so, the appellant hurt his leg when the Officers made him walk to the holding cell. The appellant alleges he sustained a hurt shoulder due to the Officers lifting the appellant from the table by grabbing the appellant by the neck and both of his arms.			

INMATE WITNESSES INTERVIEWED		Yes	No	N/A
1.	Did the inmate being interviewed request inmate witnesses. If yes, fill in the information below: Inmate Name: _____ CDCR#: _____ Housing: _____ Date Interviewed: _____ Inmate Name: _____ CDCR#: _____ Housing: _____ Date Interviewed: _____ Inmate Name: _____ CDCR#: _____ Housing: _____ Date Interviewed: _____ Inmate Name: _____ CDCR#: _____ Housing: _____ Date Interviewed: _____	☐	☒	
2.	Did any inmates refuse to participate in the interview? If so, please provide the name and title of staff who asked the inmate to participate: Staff Name: _____ Title: _____ Inmate Refused: _____ Staff Name: _____ Title: _____ Inmate Refused: _____ Staff Name: _____ Title: _____ Inmate Refused: _____ Staff Name: _____ Title: _____ Inmate Refused: _____	☐	☒	☐
3.	Summarize the statements made by the witnesses during the interview: <i>Summary:</i> On July 18, 2019, I conducted an interview with Correctional Officer, [REDACTED] on Facility 'C'. I informed Officer [REDACTED] the interview was regarding an allegation which occurred on July 8, 2019, in Facility 'C' Building 8 B-Section Dayroom concerning Inmate [REDACTED]. I informed Officer [REDACTED] of Inmate [REDACTED] allegations. Officer [REDACTED] informed me he recollected escorting the appellant on the date of the allegations. Officer [REDACTED] informed me the appellant was reporting to groups in state issued pants the appellant was altering and cutting to turn into shorts which are not allowed per policy. Officer [REDACTED] informed me he informed the appellant to sit at the table in B-Section. Officer [REDACTED] stated the appellant complied and sat at the table. Officer [REDACTED] explained he advised the appellant he could not have state issued pants turned into shorts and he was going to confiscate the all of his state issued pants. Officer [REDACTED] informed me the appellant became agitated and vocal. Due to the appellant being agitated, the appellant was secured in handcuffs. During the interview, I asked Officer [REDACTED] if the appellant became resistive when the handcuffs were applied. Officer [REDACTED] informed me the appellant was not being resistive and was following orders. I asked Officer [REDACTED]			

Report of Findings – Inmate Interview

if force was utilized on the appellant when securing the appellant in handcuffs. Officer [REDACTED] assured me force was not utilized or required to secure the appellant in the handcuffs. During the interview, I asked Officer [REDACTED] to explain the escort of the appellant to the holding cell area. Officer [REDACTED] explained to me, due to the appellant having access to a cane, himself and Officer [REDACTED] assisted the appellant to his feet by supporting the appellant by the arms and walking the appellant to the holding cell so a search of his cell could be conducted to confiscate all of the manufactured shorts from the appellant's cell. I asked Officer [REDACTED] if the appellant was grabbed by the neck. Officer [REDACTED] stated the appellant was never grabbed by the neck. I asked Officer [REDACTED] if the appellant was resistive during the escort or if force had been utilized to escort the appellant to the holding cell. Officer [REDACTED] advised me force was not utilized during the escort, and if force would have been utilized he would have reported it. Officer [REDACTED] assured me the appellant followed instructions and walked to the holding cell in a normal manner. This concluded my interview with Officer [REDACTED].

On July 23, 2019, I conducted an interview with Correctional Officer, [REDACTED]. I informed Officer [REDACTED] the interview was regarding an allegation which occurred on July 8, 2019, in Facility 'C' Building 8 B-Section Dayroom concerning Inmate [REDACTED]. I informed Officer Aboytes of Inmate [REDACTED] allegations. Officer [REDACTED] informed me he recalled escorting the appellant on the date of the allegations. Officer [REDACTED] informed me the appellant was wearing altered shorts. Officer [REDACTED] informed me the appellant was sitting at a table in B-Section and being argumentative. Officer [REDACTED] stated the appellant was informed he would be going into a holding cell while staff confiscated his altered shorts. Officer [REDACTED] explained the appellant was secured in handcuffs. During the interview, I asked Officer [REDACTED] if the appellant became resistive when the handcuffs were applied. Officer [REDACTED] informed me the appellant was not being resistive and was following orders. I asked Officer [REDACTED] if he or anyone else utilized force on the appellant to secure the appellant in handcuffs. Officer [REDACTED] assured me force was not utilized to secure the appellant in the handcuffs. During the interview, I asked Officer [REDACTED] if he assisted with escorting the appellant to the holding cell. Officer [REDACTED] explained to me he assisted in the escort. I asked Officer [REDACTED] if he or anyone else grabbed the appellant by the neck. Officer [REDACTED] stated the appellant was never grabbed by the neck. Officer [REDACTED] stated the appellant stood up and he was held by the arms with hands and walked to the holding cell while following orders and being compliant. I asked [REDACTED] if force was utilized on the appellant at any point during this occurrence. Officer [REDACTED] informed me he did not use or observe force being utilized on the appellant. This concluded my interview with Officer [REDACTED].

On July 25, 2019, an interview with Correctional Officer, [REDACTED] was conducted. Officer [REDACTED] was informed the interview was regarding an allegation which occurred on July 8, 2019, in Facility 'C' Building 8 B-Section Dayroom concerning Inmate [REDACTED]. Officer [REDACTED] was advised of Inmate [REDACTED] allegations. Officer [REDACTED] stated he recollected the appellant on this date. I asked [REDACTED] to elaborate on the occurrence. [REDACTED] stated he was assigned as a Health Care Access Officer on July 8, 2019 in building 8. [REDACTED] stated he remembered Inmate [REDACTED] being upset due to an officer confiscating the state issued pants Inmate [REDACTED] was wearing. Officer [REDACTED] stated Inmate [REDACTED] had some altered state issued pants on. Officer [REDACTED] remembers Inmate [REDACTED] being escorted from the section, in to the holding cell, due to [REDACTED] requesting to speak to a sergeant. Officer [REDACTED] stated he does not remember an alarm being activated. I asked Officer [REDACTED] if he observed any staff member utilize physical force on Inmate [REDACTED]. Officer [REDACTED] stated he did not. I asked Officer [REDACTED] if he remembers the staff member who escorted Inmate [REDACTED]. Officer [REDACTED] stated he believes it was Officer [REDACTED] but is not too sure. I asked Officer [REDACTED] if he remembers Inmate [REDACTED] making any statements regarding receiving injuries during the escort. Officer [REDACTED] stated he did not make any statements to him. Officer [REDACTED] stated Inmate [REDACTED] has made allegations of unnecessary use of force in the past. Officer [REDACTED] stated Inmate [REDACTED] is known for making allegations, therefore some staff members tend to leave him alone. Officer [REDACTED] stated he continues to enforce the regulations set forth by Title 15, which is a reason Inmate [REDACTED] tends to make allegations towards him and his partners. Officer [REDACTED] stated he knows the use of force policy and would report if he used or observed any staff member utilize force. This concluded the interview with Officer [REDACTED].

On Thursday July 25, 2019, an interview with Correctional Officer, [REDACTED] was conducted via telephonic interview. Officer [REDACTED] was informed the interview was regarding an allegation which occurred on July 8, 2019, in Facility 'C' Building 8 B-Section Dayroom concerning Inmate [REDACTED]. Officer [REDACTED] was advised of [REDACTED] allegations. Officer [REDACTED] stated he recollected the appellant on this date. I asked Officer [REDACTED] to elaborate on what he might have observed regarding the appellant on the aforementioned date. Officer [REDACTED] stated he was in the building and assisting health care with inmates. Officer [REDACTED] explained he observed the appellant inside of a holding cell for a very brief period. I asked Officer [REDACTED] what demeanor the appellant had while in the holding cell. Officer [REDACTED] stated he recalled the appellant as having a calm demeanor. During the interview, I asked Officer [REDACTED] if he had observed any visible injuries to the appellant. Officer [REDACTED] stated he did not see any injuries. During the interview, I asked Officer [REDACTED] if he observed any staff members escorting the appellant. Officer [REDACTED] informed me he did not observe any escort with the appellant. I asked Officer [REDACTED] if at any point on the above date, while on duty did he observe force

Report of Findings – Inmate Interview

utilized on the appellant. At the conclusion of the interview, Officer [REDACTED] informed me, he did not observe any force utilized on the appellant on the above mentioned date. This concluded the interview with Officer [REDACTED]

On July 30, 2019, an interview was conducted with Inmate [REDACTED]. Inmate [REDACTED] housing assignment is Facility 'C' Building 8 cell [REDACTED]. During the interview, I asked Inmate [REDACTED] if he knew who the appellant was. Inmate [REDACTED] informed me he was aware of the appellant. I asked the appellant if he had observed the appellant have a negative interaction with Officers on the date of the occurrence in B-Section. Inmate [REDACTED] informed me he did not observe any negative contact with the Officers. At the conclusion of the interview, I asked Inmate [REDACTED] if the appellant was grabbed by the neck or have any force utilized on him to drag him to a holding cell area. Inmate [REDACTED] explained he did not observe staff do anything to the appellant.

On July 30, 2019, an interview was conducted with Inmate [REDACTED]. Inmate [REDACTED] housing assignment is Facility 'C' Building 8 cell [REDACTED]. During the interview, I asked Inmate [REDACTED] if he recalled who the appellant was. Inmate [REDACTED] informed me he was knew who the appellant was. I asked the appellant if he had observed the appellant have his neck grabbed by Officers or have any force utilized on him to drag him to a holding cell area. Inmate [REDACTED] explained he did not observe staff do anything to the appellant.

On July 31, 2019, an interview with Correctional Officer, [REDACTED] was conducted. Officer [REDACTED] was working as the Control Booth Officer in Building 8 on this date. Officer [REDACTED] was informed the interview was regarding an allegation which occurred on July 8, 2019, in Facility 'C' Building 8 B-Section Dayroom concerning [REDACTED]. Officer [REDACTED] was advised of Inmate [REDACTED] allegations. Officer [REDACTED] informed me he did not recall the appellant on this date or remembered the appellant being escorted to a holding cell. Officer [REDACTED] informed me, he was redirected to work the Control Booth and was not familiar with the staff or the appellant. Officer [REDACTED] further explained, He was busy controlling staff and Inmate movement and did not observe Officers escorting inmates. During the interview, I asked Officer [REDACTED] if he had observed any staff utilize any force or have negative interactions with the appellant. Officer [REDACTED] stated he did not observe any staff utilize force on any inmate on this date or have any negative contact with inmates in the housing unit. This concluded the interview with Officer [REDACTED]

During the videotaped interview, the appellant stated he was sitting at a table in the 'B' Section dayroom. The appellant alleged Officers placed him in handcuffs and grabbed him behind the neck and forcefully picked him up from the table and forcefully moved him to a holding cell. This contradicts the witness interviews conducted during this inquiry. Multiple witnesses stated the appellant was not grabbed by the neck nor was any force utilized on the appellant. It was stated in interviews; the appellant followed directions and walked to the holding cell on his own. During the videotaped interview, no visual injuries were able to be documented to the left shoulder area or left calf area.

The CDCR 7219 completed on the appellant on July 16, 2019, prior to the videotaped interview did not reflect any injuries. A CDCR 7219 was not completed on the date of these allegations due to the inmate not making an allegation on this date and not being involved in a reportable incident.

During the videotaped interview, the appellant mentioned having inmates provide a written statement. These specific statements were unattainable for review and the appellant could not provide copies. In addition, these inmates could not be identified and the appellant did not provide their information; therefore, these inmates were not interviewed.

Report of Findings - Inmate Interview

REVIEW OF EVIDENCE AND CONCLUSION		Yes	No	N/A
1.	Was the injury consistent with the reported force? If no, explain in the Conclusion below.	☒	☐	
2.	Check the following items that were reviewed and considered: ☒ Incident Video Recording ☐ Staff Reports ☐ Photograph(s) ☐ Use of Force Videotape ☒ CDCR 7219 ☒ CDCR 602 ☐ Other (Describe Below)			
3.	Summarize the source of injury, other items reviewed and considered and any other circumstances regarding the allegation. Conclusion: [REDACTED] is alleging Officers in Building 8 utilized unnecessary force via grabbing him by the neck and forcefully removing him from a table in the dayroom while forcing him to a holding cell. These allegations are not consistent with Officers and inmate witness statements during this inquiry. All evidence reviewed is consistent with the appellant complying with staffs instructions and being assisted to the holding cell under a normal escort without force being required or utilized. Based on witness statements, coupled with reviewing CDCR 7219 Medical Evaluation, there is no evidence to substantiate the appellant's allegations of unnecessary/excessive use of force.			

ALLEGATIONS		Yes	No	N/A
1.	Check the following to indicate what items are attached with this review as it relates to the allegation: ☒ Injury Video Recording ☒ CDCR 7219 ☐ Photograph(s) of Injury(s) ☒ CDCR 602 ☐ Other (Describe Below)			☐
2.	Provide any other information not previously documented in this review regarding the allegation. Comments:			

RECOMMENDATIONS	
1.	Check the following to indicate the Custody Supervisor's recommended actions: ☒ No Further Action Recommended ☐ Further Action Recommended Comments: There is no evidence to substantiate [REDACTED] allegations of staff utilizing unnecessary/excessive force regarding this alleged incident. Interviews conducted clearly depict the actions by staff during this allegation were within policy.
Custody Supervisor's Name (Printed Name and Signature)	
[REDACTED]	
Date	
7/31/2019	
2.	Check the following to indicate the Manager's recommended actions: ☒ No Further Action Recommended ☐ Further Action Recommended Comments:
Manager's Name (Printed Name and Signature)	
[REDACTED]	
Date	
8/1/19	
3.	Check the following to indicate the Associate Warden's recommended actions: ☒ No Further Action Recommended ☐ Further Action Recommended Comments:
Associate Warden's Name (Printed Name and Signature)	
[REDACTED]	
Date	

Report of Findings – Inmate Interview

S. Swain	Swain	8/5/19

EXHIBIT QQ

Filed Under Seal

EXHIBIT RR

Filed Under Seal

EXHIBIT SS

CRIME / INCIDENT REPORT

PART C - STAFF REPORT

CDCR 837-C (Rev. 10/15)

PAGE **1** Of **1**

INCIDENT LOG NUMBER
KVSP-FCY-19-08-0812

NAME: LAST		FIRST		MI	DATE OF INCIDENT		TIME OF INCIDENT	
					8/27/2019		0817 HOURS	
POST #	POSITION	YEARS OF SERVICE	DATE OF REPORT		LOCATION OF INCIDENT			
260362	ISU SERGEANT 2	16YRS. 1MO.	8/27/2019		FACILITY C UPPER YARD			
RDO'S SSH	DUTY HOURS	DESCRIPTION OF CRIME / INCIDENT				CCR SECTION / RULE		
	0800-1400	Battery on a Peace Officer with a Weapon w/ SBI				3005 (d) (1) ☐ N/A		
YOUR ROLE		WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)			INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)			
☐ Primary ☒ Responder ☐ Witness ☐ Camera ☐ Victim ☐ Other:								
☒ N/A								
FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / NON-CONVENTIONAL FORCE								
☐ Physical:	Lethal Weapons:	Warning:	Effect:	Less Lethal Weapons:	# Effect:	Chemical Agent:	Projector:	# Deployed:
☐ Hand-Held Baton	☐ Mini 14			☐ 37 mm		☐ OC		
☐ X-10 BRD w/o OC	☐ .38 Cal			☐ 40 mm		☐ CN		
☐ X-10 BRD w/ OC	☐ .40 Cal			☐ L8		☐ CS		
	☐ 9 mm			☐ 40 mm Multi				
	☐ Shotgun			☐ HFWRS				
☐ Non-Conventional or Force Not Listed Above:								
FORCE OBSERVED BY YOU	☒ N/A ☐ Physical ☐ Hand-Held Baton ☐ Chemical Agent ☐ X-10 ☐ Less Lethal ☐ Lethal ☐ Non-Conventional							
EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION		EVIDENCE DISPOSITION			BIO HAZARD	PPE	
☐ YES						☐ YES	☐ YES	
☒ NO	☒ N/A		☒ N/A			☒ NO	☒ NO	
REPORTING STAFF INJURED	DESCRIPTION OF INJURY		LOCATION TREATED (HOSPITAL/CLINIC)		FLUID EXPOSURE		SCIF 3301/3067 COMPLETED	
☐ YES					☐ BODILY ☒ N/A		☐ YES	
☒ NO	☒ N/A		☒ N/A		☐ UNKNOWN		☒ NO	
					☐ Other:			

NARRATIVE: On Tuesday, August 27, 2019, at approximately 0817 hours, a "Code 1" Emergency was announced via institutional radio on Facility C. Investigative Services Unit (ISU) Officers [REDACTED] along with Assistant Institutional Gang Investigator (AIGI) Officer, [REDACTED] responded from the Investigative Services area to Facility C Upper Yard, due to a request for, "ISU assistance" announced via institutional radio.

Upon arrival to Facility C Upper Yard area, Sergeant [REDACTED] advised me, [REDACTED] committed the act of Battery on a Peace Officer with a Weapon by striking Officer [REDACTED] in the leg with his [REDACTED] Durable Medical Equipment, Cane and by kicking Officer [REDACTED] in his leg with his [REDACTED] foot, while attempting to stop Inmate [REDACTED] violent actions. I instructed ISU Officers [REDACTED] to photograph and process Officer [REDACTED] for evidentiary purposes, and ISU Officers [REDACTED] in addition to AIGI [REDACTED] to photograph and process Inmate [REDACTED] for evidentiary value. All Officers completed their duties as instructed.

Upon completion of the processing of the crime scene, Officers [REDACTED] and I reported back to the Investigative Services area.

This concludes my report.

☐ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

TITLE SERGEANT		BADGE # / ID #		DATE 8/27/2019	
DATE RECEIVED 8/27/19	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO	DATE 8/27/19		

DISTRIBUTION: Original: Incident Package Copy: Reporting Employee Copy: Reviewing Supervisor

VAIL 1

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT

PART C - STAFF REPORT

CDCR 837-C (Rev. 10/15)

PAGE 1 Of 2

INCIDENT LOG NUMBER
KVSP-FCY-19-08-0812

NAME: LAST [REDACTED]	FIRST [REDACTED]	MI A	DATE OF INCIDENT 8/27/2019	TIME OF INCIDENT 0817 HOURS

POST # 230331	POSITION C PROGRAM SGT 1	YEARS OF SERVICE 11YRS. 10MO.	DATE OF REPORT 8/27/2019	LOCATION OF INCIDENT FACILITY C, UPPER YARD

RDO'S F/S	DUTY HOURS 0600-1400	DESCRIPTION OF CRIME / INCIDENT Battery on a Peace Officer With a Weapon Resulting in the Use of Force <u>W/ SGT</u>	CCR SECTION / RULE 3005 (d)(1)	☐ N/A

YOUR ROLE	WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)	INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)
☐ Primary ☒ Responder ☐ Witness ☐ Camera ☐ Victim ☐ Other:	[REDACTED]	[REDACTED]

FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / NON-CONVENTIONAL FORCE									
☐ N/A	☒ Physical:	Lethal Weapons:	Warning:	Effect:	Less Lethal Weapons:	# Effect:	Chemical Agent:	Projector:	#Deployed:
	☐ Hand-Held Baton	☐ Mini 14			☐ 37 mm		☐ OC		
	☐ X-10 BRD w/o OC	☐ 38 Cal			☐ 40 mm		☐ CN		
	☐ X-10 BRD w/ OC	☐ 40 Cal			☐ L8		☐ CS		
		☐ 9 mm			☐ 40 mm Multi				
		☐ Shotgun			☐ HFWRS				

☐ Non-Conventional or Force Not Listed Above:

FORCE OBSERVED BY YOU	☐ N/A ☒ Physical ☐ Hand-Held Baton ☐ Chemical Agent ☐ X-10 ☐ Less Lethal ☐ Lethal ☐ Non-Conventional

EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION	EVIDENCE DISPOSITION	BIO HAZARD	PPE
☐ YES ☒ NO	☒ N/A	☒ N/A	☐ YES ☒ NO	☐ YES ☒ NO

REPORTING STAFF INJURED	DESCRIPTION OF INJURY	LOCATION TREATED (HOSPITAL/CLINIC)	FLUID EXPOSURE	SCIF 3301/3067 COMPLETED
☐ YES ☒ NO	☒ N/A	☒ N/A	☐ BODILY ☒ N/A ☐ UNKNOWN ☐ Other:	☐ YES ☒ NO

NARRATIVE: On Tuesday, August 27, 2019, at approximately 0817 hours, a Code 1 Battery on a Peace Officer with a Weapon Resulting in the Use of Force, occurred on Facility C, Upper Yard.

Specifically, while performing my duties as Facility C, Program Sergeant, I responded to a fight on the Facility C Upper Yard as I responded to the incident site I observed Officer D. [REDACTED] counseling [REDACTED] on the concrete area near the mental health building without warning or provocation I observed Inmate [REDACTED] raise his cane in the air with his left hand and violently swing his cane in a downward motion striking Officer [REDACTED] in the left leg area. Utilizing my Institutional Radio I announced a "Code 1 Battery on Staff, Facility C Upper Yard." I observed Officer [REDACTED] utilize immediate physical force and forced [REDACTED] to the ground. It should be noted due to my distance and Officer [REDACTED] facing away from me I was unable to see their exact hand placement or how they forced Inmate [REDACTED] to the ground, however I did observe Officer [REDACTED] land on the left side of Inmate [REDACTED] and Officer [REDACTED] and on the right side of Inmate [REDACTED]. It should be noted this use of immediate force caused Inmate [REDACTED] facial and upper torso area to hit the concrete. Inmate [REDACTED] was forced to the ground and immediately continued to resist by thrashing his upper body side to side and kicking both his feet, in an apparent attempt to further batter staff.

Officer [REDACTED] and I responded to the incident site. I gave loud, clear verbal orders to "stop resisting" with negative results as Inmate [REDACTED] continued to resist by thrashing his upper body side to side and kicking both feet. As Officer [REDACTED] and I approached Inmate [REDACTED] Officer Atkinson attempted to hold down both Inmate [REDACTED] leg. Inmate [REDACTED] kicked his right leg at Officer [REDACTED] striking Officer [REDACTED] in his right leg and without warning

☒ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

[REDACTED]	TITLE CORRECTIONAL SERGEANT	BADGE # / ID # [REDACTED]	DATE 8/27/2019
	DATE RECEIVED 8/27/19	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO
[REDACTED]		DATE 8/27/19	

Copy: Reviewing Supervisor

VAIL 2

CRIME / INCIDENT REPORT

PART C1 - SUPPLEMENT

CDCR 837-C1 (Rev. 10/15)

PAGE 2 Of 2

INCIDENT LOG NUMBER

KVSP-FCY-19-08-0812

NAME: LAST

FIRST

MI

A

TYPE OF INFORMATION:

☒ CONTINUATION OF REPORT☐ CLARIFICATION OF REPORT☐ ADDITIONAL INFORMATION

NARRATIVE:

Officer [REDACTED] kicked Officer [REDACTED] in the right hand area with his right leg. I relieved Officer [REDACTED] and I utilized immediate physical force to subdue [REDACTED] attack and gain compliance with lawful orders by holding down [REDACTED] right leg with my right hand and his left leg with my left hand utilizing my body weight. I instructed Officer [REDACTED] to retrieve leg restraints. When Officer [REDACTED] returned Officer [REDACTED] applied the leg restraints and Inmate [REDACTED] stopped his assaultive actions. It should be noted Inmate [REDACTED] was secured in handcuffs prior to the leg restraints being applied however due to my focus on Inmate [REDACTED] was unable to observe what staff secured Inmate [REDACTED] in handcuffs.

Investigative Services Unit (ISU) staff was requested via institutional radio to respond to Facility C. ISU Staff arrived to Facility C and processed the crime scene. Officer [REDACTED] and [REDACTED] for items of evidentiary value.

When safe to do so, I cleared the code with Central Control.

Officer [REDACTED] was evaluated by Facility C Medical and sent to the Treatment Triage Area (TTA) via the Emergency Response Vehicle (ERV) subsequently Officer [REDACTED] was sent to an outside hospital.

Officer [REDACTED] was evaluated by Facility C Medical and a Medical Report of Injury or Unusual Occurrence (CDCR 7219) was completed. Officer [REDACTED] elected to remain on duty.

Officer [REDACTED] was evaluated by Facility C Medical and a Medical Report of Injury or Unusual Occurrence (CDCR 7219) was completed. Officer [REDACTED] elected to receive outside medical attention.

I instructed Officer [REDACTED] and Officer [REDACTED] to escort [REDACTED] to the Facility C Medical Clinic via a wheelchair. I observed Officer [REDACTED] conduct an unclothed body search with negative results for contraband.

[REDACTED] was subsequently, taken to Delano Regional Medical Center via a Code II Transport.

Upon Inmate [REDACTED] return Inmate [REDACTED] will be rehoused in Short Term Restricted Housing Unit (STRH) for the specific charge of Battery on a Peace Officer.

This concludes my involvement in this incident.

☐ CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL CDCR 837-C1.

[REDACTED]	TITLE	BADGE # / ID #	DATE
	CORRECTIONAL SERGEANT	76654/2467688	8/27/2019
[REDACTED]	DATE RECEIVED	CLARIFICATION NEEDED	APPROVED
	8/27/19	☐ YES ☒ NO	☒ YES ☐ NO
		DATE	8/27/19

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VAIL 3

CRIME / INCIDENT REPORT

PART C1 - SUPPLEMENT

CDCR 837-C1 (Rev. 10/15)

PAGE **1** Of **1**

INCIDENT LOG NUMBER
KVSP-FCY-19-08-0812

LAST [REDACTED]	FIRST [REDACTED]	MI A

TYPE OF INFORMATION:

☐ CONTINUATION OF REPORT ☒ CLARIFICATION OF REPORT ☐ ADDITIONAL INFORMATION

NARRATIVE:

1. [REDACTED] report = Was [REDACTED] also processed by KVSP ISU for items of evidentiary value?
KVSP Investigative Services Unit processed [REDACTED] for items of evidentiary value.

☐ CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL CDCR 837-C1

[REDACTED]	TITLE CORRECTIONAL SERGEANT	BADGE # / ID # [REDACTED]	DATE 9/5/2019
	DATE RECEIVED 9/5/2019	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO
		DATE 9/5/2019	

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VAIL 4

CRIME / INCIDENT REPORT
PART C - STAFF REPORT
CDCR 837-C (Rev. 10/15)

PAGE <u>1</u> Of <u>1</u>	INCIDENT LOG NUMBER KVSP-FCY-19-08-0812

NAME: LAST [REDACTED]	FIRST [REDACTED]	MI J	DATE OF INCIDENT 8/27/2019	TIME OF INCIDENT 0817 HOURS
POST # 232114	POSITION C7 FLOOR 1	YEARS OF SERVICE 12YRS. 8MO.	DATE OF REPORT 8/27/2019	LOCATION OF INCIDENT FACILITY C, UPPER YARD

RDO'S S/M	DUTY HOURS 0600-1400	DESCRIPTION OF CRIME / INCIDENT Battery on a Peace Officer Resulting in the Use of Force <i>w/ weapon and SBI</i>	CCR SECTION / RULE 3005 (d)(1)	☐ N/A

YOUR ROLE	WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)	INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)
☐ Primary	[REDACTED]	[REDACTED]
☒ Responder	[REDACTED]	[REDACTED]
☐ Witness	[REDACTED]	[REDACTED]
☐ Camera	[REDACTED]	[REDACTED]
☐ Victim	[REDACTED]	[REDACTED]
☐ Other:	[REDACTED]	[REDACTED]

FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / NON-CONVENTIONAL FORCE								
☐ Physical:	Lethal Weapons:	Warning:	Effect:	Less Lethal Weapons:	# Effect:	Chemical Agent:	Projector:	# Deployed:
☐ Hand-Held Baton	☐ Mini 14			☐ 37 mm		☐ OC		
☐ X-10 BRD w/o OC	☐ .38 Cal			☐ 40 mm		☐ CN		
☐ X-10 BRD w/ OC	☐ .40 Cal			☐ LB		☐ CS		
	☐ 9 mm			☐ 40 mm Multi				
	☐ Shotgun			☐ HFWSR				

☐ Non-Conventional or Force Not Listed Above:

FORCE OBSERVED BY YOU	☐ N/A ☒ Physical ☐ Hand-Held Baton ☐ Chemical Agent ☐ X-10 ☐ Less Lethal ☐ Lethal ☐ Non-Conventional

EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION	EVIDENCE DISPOSITION	BIO HAZARD	PPE
☐ YES			☐ YES	☐ YES
☒ NO	☒ N/A	☒ N/A	☒ NO	☒ NO

REPORTING STAFF INJURED	DESCRIPTION OF INJURY	LOCATION TREATED (HOSPITAL/CLINIC)	FLUID EXPOSURE	SCIF 3301/3067 COMPLETED
☒ YES	Right knee, right wrist	Facility C, Medical and outside hospital	☐ BODILY ☒ N/A	☒ YES
☐ NO	☐ N/A	☐ N/A	☐ UNKNOWN ☐ Other:	☐ NO

NARRATIVE: On August 28, 2019 at approximately 1140 hours, I Sergeant [REDACTED] contacted Officer [REDACTED] via telephone regarding his involvement during this incident. I received this verbal account of [REDACTED] actions during this incident due to Officer [REDACTED] receiving injuries requiring medical attention from an outside hospital.

On Tuesday, August 27, 2019, at approximately 0817 hours, while assigned as Facility C, Building 7 Floor #2, I observed Officer [REDACTED] and Officer J. [REDACTED] talking to [REDACTED] I observed Inmate [REDACTED] without warning or provocation raise his cane with his left hand to the sky and swing his cane in a downward motion striking Officer [REDACTED] in the left leg area I observed Officer [REDACTED] and Officer [REDACTED] utilize immediate physical force and force Inmate [REDACTED] to the ground. With Officer [REDACTED] landing on Inmate [REDACTED] left side and Officer [REDACTED] landing on Inmate [REDACTED] right side. Once on the ground Inmate [REDACTED] immediately began to thrash his upper body side to side while violently kicking both his feet. Due to my position and distance I was unable to see the exact hand placement Officer [REDACTED] utilized to force [REDACTED] to the ground.

I responded to the incident site with Sergeant [REDACTED] I gave loud clear order to "stop resisting" with negative results as [REDACTED] continued to violently kick both feet. In an effort to subdue Inmate [REDACTED] attack and gain compliance with a lawful order I attempted to utilize immediate physical force by restraining Inmate [REDACTED] legs as I attempted to place both my hands on Inmate [REDACTED] legs I was kicked in the right knee by Inmate [REDACTED] right leg and felt an immediate sharp pain to my right leg. I was immediately kicked again in my right wrist by Inmate [REDACTED] right leg. It should be noted I did not make contact with Inmate [REDACTED] I stepped back from Inmate [REDACTED] in an attempt to regain my composure and still continued to feel the radiating pain in my right knee and my right wrist. I was instructed by Sergeant [REDACTED] to exit the incident area to which I complied. I exited the incident location and sought medical attention at Facility C, Medical. Once the medical evaluation was completed, I was sent to an outside hospital for evaluation and treatment to the injuries I sustained during the incident. This concludes my involvement in this incident.

☐ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

SIGNATURE OF REPORTING STAFF [REDACTED]	TITLE CORRECTIONAL OFFICER	BADGE # / ID # [REDACTED]	DATE 8/27/2019
DATE RECEIVED 8/27/19	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO	DATE 8/27/19

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CRIME / INCIDENT REPORT

PART C1 - SUPPLEMENT

CDCR 837-C1 (Rev. 10/15)

PAGE 1 Of 1

INCIDENT LOG NUMBER
KVSP-FCY-19-08-0812LAST
ATKINSONFIRST
BRADLEYMI
J

TYPE OF INFORMATION:

☐ CONTINUATION OF REPORT☒ CLARIFICATION OF REPORT☐ ADDITIONAL INFORMATION

NARRATIVE:

1. [REDACTED] processed by KVSP ISU for items of evidentiary value?

I was processed by KVSP Investigative Services Unit for items of evidentiary value.

☐ CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL CDCR 837-C1

[REDACTED]	TITLE CORRECTIONAL SERGEANT	BADGE # / ID # [REDACTED]	DATE 9/5/2019
	DATE RECEIVED 9/5/2019	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO
		DATE 9/5/2019	

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VAIL 6

STATE OF CALIFORNIA
CRIME / INCIDENT REPORT

PART C - STAFF REPORT

CDCR 837-C (Rev. 10/15)

PAGE 1 Of 1

INCIDENT LOG NUMBER

KVSP-FCY-19-08-0812

NAME: LAST		FIRST		MI	DATE OF INCIDENT	TIME OF INCIDENT
				J	8/27/2019	0817 HOURS
POST #	POSITION	YEARS OF SERVICE	DATE OF REPORT	LOCATION OF INCIDENT		
232114	C7 FLOOR 1	12YRS. 8MO.	9/4/2019	FACILITY C, UPPER YARD		
RDO'S	DUTY HOURS	DESCRIPTION OF CRIME / INCIDENT			CCR SECTION / RULE	
S/M	0600-1400	Battery on a Peace Officer Resulting in the Use of Force w/ SBT			3005 (d)(1) ☐ N/A	
YOUR ROLE		WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)		INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)		
☐ Primary						
☒ Responder						
☐ Witness						
☐ Camera						
☐ Victim						
☐ Other:						
☒ N/A						
FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / NON-CONVENTIONAL FORCE						
☐ Physical:	Lethal Weapons:	Warning:	Effect:	Less Lethal Weapons:	# Effect:	Chemical Agent:
☐ Hand-Held Baton	☐ Mini 14			☐ 37 mm		☐ OC
☐ X-10 BRD w/o OC	☐ .38 Cal			☐ 40 mm		☐ CN
☐ X-10 BRD w/ OC	☐ .40 Cal			☐ L8		☐ CS
	☐ 9 mm			☐ 40 mm Multi		
	☐ Shotgun			☐ HFWSR		
☐ Non-Conventional or Force Not Listed Above:						
FORCE OBSERVED BY YOU	☐ N/A ☒ Physical ☐ Hand-Held Baton ☐ Chemical Agent ☐ X-10 ☐ Less Lethal ☐ Lethal ☐ Non-Conventional					
EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION		EVIDENCE DISPOSITION		BIO HAZARD	PPE
☐ YES					☐ YES	☐ YES
☒ NO	☒ N/A		☒ N/A		☒ NO	☒ NO
REPORTING STAFF INJURED	DESCRIPTION OF INJURY		LOCATION TREATED (HOSPITAL/CLINIC)	FLUID EXPOSURE	SCIF 3301/3067 COMPLETED	
☒ YES	Right knee, right wrist		Facility C, Medical and outside hospital	☐ BODILY ☒ N/A	☒ YES	
☐ NO	☐ N/A		☐ N/A	☐ UNKNOWN	☐ NO	
				☐ Other:		

NARRATIVE: On Tuesday, August 27, 2019, at approximately 0817 hours, while assigned as Facility C, Building 7 Floor #1, I observed Officer D. [redacted] talking to Inmate [redacted] observed Inmate [redacted] without warning or provocation raise his cane with his left hand to the sky above his shoulder and swing his cane in a downward motion striking Officer [redacted] in the left leg area. I observed Officer [redacted] utilize immediate physical force and force [redacted] to the ground. I observed Officer [redacted] landing on Inmate [redacted] left side and Officer [redacted] landing on [redacted] right side. Once on the ground Inmate [redacted] immediately began to thrash his upper body side to side while violently kicking both his feet. Due to my position and distance I was unable to see the exact hand placement Officer [redacted] or Officer [redacted] utilized to force Inmate [redacted] to the ground.

I responded to the incident site with Sergeant [redacted] I gave loud clear order to "stop resisting" with negative results as Inmate [redacted] continued to violently kick both feet. In an effort to subdue Inmate [redacted] attack and gain compliance with a lawful order I attempted to utilize immediate physical force by restraining Inmate [redacted] legs as I attempted to place both my hands on [redacted] legs. Upon trying to restrain inmate [redacted] legs with both of my hands, I was kicked in the right knee by Inmate [redacted] right leg and felt an immediate sharp pain to my right leg. I was immediately kicked again in my right wrist by Inmate [redacted] right leg. It should be noted I did not make contact with [redacted] I stepped back from [redacted] in an attempt to regain my composure and still continued to feel the radiating pain in my right knee and my right wrist. I was instructed by Sergeant [redacted] to exit the incident area to which I complied. I exited the incident location and sought medical attention at Facility C, Medical. I was instructed by Sergeant M. Espinosa to await for K.V.S.P. Investigative Service Unit (I.S.U) to be photographed for evidentiary value, to which I complied. Once the medical evaluation, and photographs were completed, I was sent to an outside hospital for evaluation and treatment to the injuries I sustained during the incident. This concludes my involvement in this incident.

☐ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

TITLE		BADGE # / ID #		DATE
CORRECTIONAL OFFICER		[redacted]		9/4/2019
DATE RECEIVED	CLARIFICATION NEEDED	APPROVED	DATE	
9/4/19	☐ YES ☒ NO	☒ YES ☐ NO	9/4/19	

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VAIL 7

CRIME / INCIDENT REPORT

PART C - STAFF REPORT

CDCR 837-C (Rev. 10/15)

PAGE **1** Of **2**

INCIDENT LOG NUMBER

KVSP-FCY-19-08-0812

NAME: LAST		FIRST		MI	DATE OF INCIDENT		TIME OF INCIDENT		
				NMI	8/27/2019		0817 HOURS		
POST #	POSITION	YEARS OF SERVICE	DATE OF REPORT		LOCATION OF INCIDENT				
261062	ISU OFFICER #2	2YRS. 6MO.	8/27/2019		FACILITY C, UPPER YARD				
RDO'S S/S/H	DUTY HOURS	DESCRIPTION OF CRIME / INCIDENT				CCR SECTION / RULE			
	0600-1400	BATTERY ON A PEACE OFFICER WITH A WEAPON RESULTING IN THE USE OF FORCE JSBT				3005 (d) (1) ☐ N/A			
YOUR ROLE		WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)			INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)				
☐ Primary ☒ Responder ☐ Witness ☒ Camera ☐ Victim ☐ Other:									
☒ N/A FORCE USED BY YOU TYPE OF WEAPON / SHOTS FIRED / NON-CONVENTIONAL FORCE									
☐ Physical: ☐ Hand-Held Baton ☐ X-10 BRD w/o OC ☐ X-10 BRD w/ OC		Lethal Weapons: ☐ Mini 14 ☐ .38 Cal ☐ .40 Cal ☐ 9 mm ☐ Shotgun		Warning: Effect: Less Lethal Weapons: ☐ 37 mm ☐ 40 mm ☐ L8 ☐ 40 mm Multi ☐ HFWS		# Effect: Chemical Agent: ☐ OC ☐ CN ☐ CS		Projector: #Deployed:	
☐ Non-Conventional or Force Not Listed Above:									
FORCE OBSERVED BY YOU		☒ N/A ☐ Physical ☐ Hand-Held Baton ☐ Chemical Agent ☐ X-10 ☐ Less Lethal ☐ Lethal ☐ Non-Conventional							
EVIDENCE COLLECTED BY YOU		EVIDENCE DESCRIPTION		EVIDENCE DISPOSITION			BIO HAZARD	PPE	
☒ YES ☐ NO		REFER TO THE BODY OF THIS REPORT		EVIDENCE ITEMS COLLECTED WERE PROCESSED INTO ISU SUB EVIDENCE LOCKER #2			☐ YES ☒ NO	☐ YES ☒ NO	
☐ N/A				☐ N/A					
REPORTING STAFF INJURED		DESCRIPTION OF INJURY		LOCATION TREATED (HOSPITAL/CLINIC)		FLUID EXPOSURE		SCIF 3301/3067 COMPLETED	
☐ YES ☒ NO		☒ N/A		☒ N/A		☐ BODILY ☒ N/A ☐ UNKNOWN ☐ Other:		☐ YES ☒ NO	

NARRATIVE: On Tuesday, August 27, 2019, at approximately 0817 hours, a "Code One" emergency occurred in Facility C, Upper Yard. The Kern Valley State Prison (KVSP) Investigative Services Unit (ISU) was requested, via institutional radio, to respond to Facility C, Upper Yard.

ISU Sergeant [REDACTED] ISU Officer's [REDACTED] and I reported to Facility C, Upper Yard, where we made contact with Facility C staff, who informed us [REDACTED] battered Officer's [REDACTED] and D. [REDACTED]. Specifically, Inmate [REDACTED] used his Durable Medical Equipment (DME), state issued cane and struck Officer [REDACTED] on his left knee. While Officer's [REDACTED] attempted to force Inmate [REDACTED] to the ground, Inmate [REDACTED] battered Officer [REDACTED] by kicking them (Refer to [REDACTED] and [REDACTED] reports for further details).

ISU Officer's [REDACTED] made contact with Inmate [REDACTED] and began to process the crime scene area (Refer to ISU Officer [REDACTED] report for details regarding the processing of the crime scene).

☒ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

TITLE		BADGE # / ID #		DATE
CORRECTIONAL OFFICER		[REDACTED]		8/27/2019
DATE RECEIVED	CLARIFICATION NEEDED	APPROVED	DATE	
8/27/19	☐ YES ☒ NO	☒ YES ☐ NO	8/27/19	

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VAIL 8

CRIME / INCIDENT REPORT

DEPARTMENT OF CORRECTIONS AND REHABILITATION

PART C1 - SUPPLEMENT

CDCR 837-C1 (Rev. 10/15)

PAGE 2 Of 2

INCIDENT LOG NUMBER
KVSP-FCY-19-08-0812

NAME: LAST

FIRST

MI
NMI

TYPE OF INFORMATION:

☒ CONTINUATION OF REPORT☐ CLARIFICATION OF REPORT☐ ADDITIONAL INFORMATION

NARRATIVE:

[REDACTED] and I made contact with Officer's [REDACTED]. I informed them I would be taking a series of photos for documentation purposes and proceeded to photograph Officer's [REDACTED] individually (*Refer to this report for description of Photographs taken*).

Upon completion, I reported back to the ISU Office where I downloaded twenty (20) digital images into the ISU computer and subsequently copied them onto a blank CD-R (labeled MB01). Evidence item MB01 was processed, logged and secured into ISU Sub Evidence locker #2.

Evidence collected:

MB01: One (1) CD-R containing twenty (20) digital images.

Photographs taken:

Photograph# 1: Mid view of [REDACTED] holding lead card.

Photograph# 2: Front profile view of [REDACTED]

Photograph# 3: Mid view of [REDACTED] lower body.

Photograph# 4: Mid view of [REDACTED] legs.

Photograph# 5: Mid view of [REDACTED] left leg depicting blue pen pointing at injured area.

Photograph# 6: Close view of [REDACTED] left leg.

Photograph# 7: Mid view of [REDACTED] holding lead card.

Photograph# 8: Front profile view of [REDACTED]

Photograph# 9: Mid view of [REDACTED] right arm.

Photograph# 10: Close view of [REDACTED] right arm depicting blue pen pointing at injured area.

Photograph# 11: Mid view of [REDACTED] legs.

Photograph# 12: Close view of [REDACTED] right leg with suspected shoe print.

Photograph# 13: Close view of [REDACTED] right leg depicting blue pen pointing at injured area.

Photograph# 14: Mid view of [REDACTED] holding lead card.

Photograph# 15: Front profile view of [REDACTED]

Photograph# 16: Mid view of [REDACTED] lower body.

Photograph# 17: Mid view of [REDACTED] right hand.

Photograph# 18: Close view of [REDACTED] right hand depicting injured area.

Photograph# 19: Mid view of [REDACTED] right arm.

Photograph# 20: Close view of [REDACTED] right arm depicting blue pen pointing at injured area.

This concludes my involvement in the incident.

☐ CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL CDCR 837-C1.

[REDACTED]	TITLE CORRECTIONAL OFFICER		BADGE # / ID # [REDACTED]		DATE 8/27/2019
	DATE RECEIVED 8/27/19	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO	DATE 8/27/19	

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MAIL 9

CRIME / INCIDENT REPORT

PART C - STAFF REPORT

CDCR 837-C (Rev. 10/15)

PAGE 1 Of 1

INCIDENT LOG NUMBER
KVSP-FCY-19-08-0812

NAME: LAST		FIRST		MI A	DATE OF INCIDENT 8/27/2019	TIME OF INCIDENT 0817 HOURS
POST # 232012	POSITION C YARD #3	YEARS OF SERVICE 13YRS. 10MO.	DATE OF REPORT 8/27/2019		LOCATION OF INCIDENT FACILITY C, UPPER YARD	

RDO'S F/S	DUTY HOURS 0800-1600	DESCRIPTION OF CRIME / INCIDENT Battery on a Peace Officer Resulting in the Use of Force <i>w/a</i> <i>Weapon: SRT</i>	CCR SECTION / RULE 3005 (d)(1)	☐ N/A

YOUR ROLE	WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)	INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)
☐ Primary ☒ Responder ☐ Witness ☐ Camera ☐ Victim ☐ Other:		

FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / NON-CONVENTIONAL FORCE									
☒ N/A	☐ Physical:	Lethal Weapons:	Warning:	Effect:	Less Lethal Weapons:	# Effect:	Chemical Agent:	Projector:	# Deployed:
	☐ Hand-Held Baton	☐ Mini 14			☐ 37 mm		☐ OC		
	☐ X-10 BRD w/o OC	☐ .38 Cal			☐ 40 mm		☐ CN		
	☐ X-10 BRD w/ OC	☐ .40 Cal			☐ L8		☐ CS		
		☐ 9 mm			☐ 40 mm Multi				
		☐ Shotgun			☐ HFWRS				

☐ Non-Conventional or Force Not Listed Above:

FORCE OBSERVED BY YOU	☒ N/A ☐ Physical ☐ Hand-Held Baton ☐ Chemical Agent ☐ X-10 ☐ Less Lethal ☐ Lethal ☐ Non-Conventional							
EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION		EVIDENCE DISPOSITION			BIO HAZARD	PPE	
☐ YES ☒ NO	☒ N/A		☒ N/A			☐ YES ☒ NO	☐ YES ☒ NO	
REPORTING STAFF INJURED	DESCRIPTION OF INJURY		LOCATION TREATED (HOSPITAL/CLINIC)		FLUID EXPOSURE		SCIF 3301/3067 COMPLETED	
☐ YES ☒ NO	☒ N/A		☒ N/A		☐ BODILY ☒ N/A ☐ UNKNOWN ☐ Other:		☐ YES ☒ NO	

NARRATIVE: On Tuesday, August 27, 2019, at approximately 0817 hours, while assigned as Facility C Lower Yard Officer #3, I responded to a Code 1, Battery on staff announced via Institutional Radio. I arrived to the incident site and observed Inmate [REDACTED] lying in the prone position secured in handcuffs and leg restraints.

I was instructed by Sergeant [REDACTED] to relieve Officer [REDACTED] and provide coverage over Inmate [REDACTED]. The Investigative Services Unit (ISU) arrived on scene and processed the crime scene for items of evidentiary value. Once ISU processed the crime scene, Sergeant [REDACTED] instructed Officer A. Hernandez and I to escort Inmate [REDACTED] to Facility C Medical Clinic via wheelchair. Officer [REDACTED] and I escorted Inmate [REDACTED] to Facility C Medical Clinic and placed Inmate [REDACTED] inside the wet cell. Prior to placing Inmate [REDACTED] inside the wet tank Officer [REDACTED] searched the wet tank with negative results for contraband while I provided coverage.

Officer [REDACTED] placed Inmate [REDACTED] inside the wet tank and conducted an unclothed body search with negative results for contraband while I provided coverage. Medical Staff deemed Inmate [REDACTED] required further medical evaluation and requested the Emergency Response Vehicle escort Inmate [REDACTED] to the Triage Treatment Area. Officer [REDACTED] escorted Inmate [REDACTED] to the Triage Treatment Area via the Emergency Response Vehicle.

This concludes my involvement in this incident.

☐ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

TITLE CORRECTIONAL OFFICER		BADGE # / ID #	DATE 8/27/2019
DATE RECEIVED 8/27/2019	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO	DATE 8/27/2019

Distribution: Original: Incident Package Copy: Reporting Employee Copy: Reviewing Supervisor

MAIL 10

CRIME / INCIDENT REPORT

PART C - STAFF REPORT

CDCR 837-C (Rev. 10/15)

PAGE 1 Of 1

INCIDENT LOG NUMBER

KVSP-FCY-19-08-0812

NAME: LAST [REDACTED]		FIRST [REDACTED]		MI T.	DATE OF INCIDENT 8/27/2019	TIME OF INCIDENT 0817	
POST # N/A	POSITION RECREATION THERAPIST	YEARS OF SERVICE YRS. 11MO.	DATE OF REPORT 8/28/2019		LOCATION OF INCIDENT C-UPPER YARD		
RDO'S F/S/S	DUTY HOURS 0700-1700	DESCRIPTION OF CRIME / INCIDENT Battery on a Peace officer resulting in use of force <i>with weapon</i> S.B.T.				CCR SECTION / RULE ☐ N/A 3005 (d)(1)	
YOUR ROLE		WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)			INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)		
☐ Primary					[REDACTED]		
☐ Responder							
☒ Witness							
☐ Camera							
☐ Victim							
☐ Other:							
☒ N/A FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / NON-CONVENTIONAL FORCE							
☐ Physical:	Lethal Weapons:	Warning:	Effect:	Less Lethal Weapons:	# Effect:	Chemical Agent:	Projector:
☐ Hand-Held Baton	☐ Mini 14			☐ 37 mm		☐ OC	
☐ X-10 BRD w/o OC	☐ .38 Cal			☐ 40 mm		☐ CN	
☐ X-10 BRD w/ OC	☐ .40 Cal			☐ LB		☐ CS	
	☐ 9 mm			☐ 40 mm Multi			
	☐ Shotgun			☐ HFWRS			
☐ Non-Conventional or Force Not Listed Above:							
FORCE OBSERVED BY YOU	☐ N/A ☒ Physical ☐ Hand-Held Baton ☐ Chemical Agent ☐ X-10 ☐ Less Lethal ☐ Lethal ☐ Non-Conventional						
EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION		EVIDENCE DISPOSITION			BIO HAZARD	PPE
☐ YES						☐ YES	☐ YES
☒ NO	☒ N/A		☒ N/A			☒ NO	☒ NO
REPORTING STAFF INJURED	DESCRIPTION OF INJURY		LOCATION TREATED (HOSPITAL/CLINIC)		FLUID EXPOSURE		SCIF 3301/3067 COMPLETED
☐ YES					☐ BODILY ☒ N/A		☐ YES
☒ NO	☒ N/A		☒ N/A		☐ UNKNOWN		☒ NO
					☐ Other:		

NARRATIVE: On August 27, 2019, at approximately 0817 hours, a Code 1 Battery on a Peace Officer with a Weapon Resulting in the use of force, occurred on Facility C Upper Yard.

Specifically, while standing outside the housing unit of C8 I was informed by custody staff that chemical agents had been used on a prior incident. I entered into building C8. It should be noted that I did not see chemical agents being used. Shortly after I exited building C8 and observed several unidentified staff attempting to physically restrain inmate [REDACTED]. Due to my distance from the incident site and other staff responding to a separate incident, I was unable to see what officer utilized physical force or hand placement. Also due to my distance and other staff responding I was unable to see [REDACTED] resisting, however, I could hear him yelling obscenities.

I reentered back into C8 and waiting for a few moments. Upon exiting building C8 I returned back to the mental health building. While walking to the mental health building I observed staff taking pictures of inmate [REDACTED] prior to entering the mental health building. This concludes my report.

☐ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

TITLE RECREATION THERAPIST		BADGE # / ID # [REDACTED]		DATE 8/28/2019
DATE RECEIVED 8/28/19	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO	DATE 8/28/19	

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CRIME / INCIDENT REPORT

PART C - STAFF REPORT

CDCR 837-C (Rev. 10/15)

PAGE 1 Of 2

INCIDENT LOG NUMBER

KVSP-FCY-19-08-0812

NAME: LAST		FIRST		MI	DATE OF INCIDENT	TIME OF INCIDENT
				M	8/27/2019	0817 HOURS
POST #	POSITION	YEARS OF SERVICE	DATE OF REPORT	LOCATION OF INCIDENT		
232084	C4, FLOOR #1	2YRS. 1MO.	8/27/2019	FACILITY C UPPER YARD		
RDO'S TH/F	DUTY HOURS	DESCRIPTION OF CRIME / INCIDENT			CCR SECTION / RULE ☐ N/A	
	0600-1400	Battery On A Peace Officer With A Weapon Resulting In The Use Of Force <u>1 SGT</u>			3005(d) 1	

YOUR ROLE	WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)	INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)
☒ Primary		
☐ Responder		
☐ Witness		
☐ Camera		
☐ Victim		
☐ Other:		

☐ N/A								
FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / NON-CONVENTIONAL FORCE								
☒ Physical:	Lethal Weapons:	Warning:	Effect:	Less Lethal Weapons:	# Effect:	Chemical Agent:	Projector:	#Deployed:
☐ Hand-Held Baton	☐ Mini 14			☐ 37 mm		☐ OC		
☐ X-10 BRD w/o OC	☐ .38 Cal			☐ 40 mm		☐ CN		
☐ X-10 BRD w/ OC	☐ 40 Cal			☐ L8		☐ CS		
	☐ 9 mm			☐ 40 mm Multi				
	☐ Shotgun			☐ HFWSR				

☐ Non-Conventional or Force Not Listed Above:				
FORCE OBSERVED BY YOU	☐ N/A ☒ Physical ☐ Hand-Held Baton ☐ Chemical Agent ☐ X-10 ☐ Less Lethal ☐ Lethal ☐ Non-Conventional			
EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION	EVIDENCE DISPOSITION	BIO HAZARD	PPE
☐ YES			☐ YES	☐ YES
☒ NO	☒ N/A	☒ N/A	☒ NO	☒ NO

REPORTING STAFF INJURED	DESCRIPTION OF INJURY	LOCATION TREATED (HOSPITAL/CLINIC)	FLUID EXPOSURE	SCIF 3301/3067 COMPLETED
☒ YES	Pain in left knee, swollen area left knee		☐ BODILY ☒ N/A	☒ YES
☐ NO	☐ N/A	☒ N/A	☐ UNKNOWN	☐ NO
			☐ Other:	

NARRATIVE: On Tuesday August 27, 2019 at approximately 0817 hours, while assigned as Facility C Building 4 Floor Officer #1, I was responding to a "Code 1 fight" on the Facility C Upper Yard, when I arrived to the upper yard area near the Mental Health Building and I observed Inmate [REDACTED] walking towards the fighting inmates from the cement area near the Mental Health Building. I gave a loud and clear order to "STOP!" and "Get Down" with negative results as [REDACTED] continued to walk towards the incident site and staff.

Officer [REDACTED] and I approached [REDACTED] and gave him a direct order to stay away from an active incident while staff is responding with negative results as inmate [REDACTED] became belligerent and without warning or provocation raised his cane with his left hand and violently swung his cane in a downward motion striking my outer left knee. Due to the immediate threat and in order to prevent serious bodily injury to myself or other staff, I gave [REDACTED] a direct order to "Get Down!" I immediately took control of [REDACTED] left wrist with my left hand and his left shoulder with my right hand and used my body weight to physically force Inmate [REDACTED] down to the ground. I observed Officer [REDACTED] on his right side. Due to my position and focus on [REDACTED] left arm I could not see Officer [REDACTED] hand placement on [REDACTED]. The use of force was effective as Inmate [REDACTED] landed on his facial and stomach area with me still in control of his left wrist and shoulder. I landed in the kneeling position on the left side of Inmate [REDACTED]. I could see Officer [REDACTED] on [REDACTED] right side controlling his right arm. Do to my position and focus on [REDACTED] I did not observe if Officer [REDACTED] assisted me forcing [REDACTED] to the ground or the techniques he utilized to maintain control of [REDACTED] right arm. While on the ground, Inmate [REDACTED] was still actively resisting as he was violently thrashing his upper body from side to side and kicking his legs in an attempt to further batter responding staff.

☒ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

TITLE		BADGE # / ID #		DATE
CORRECTIONAL OFFICER				8/27/2019
DATE RECEIVED	CLARIFICATION NEEDED	APPROVED	DATE	
8/27/19	☐ YES ☒ NO	☒ YES ☐ NO	8/27/2019	

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CRIME / INCIDENT REPORT

PART C1 - SUPPLEMENT

CDCR 837-C1 (Rev. 10/15)

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INCIDENT LOG NUMBER
KVSP-FCY-19-08-0812

NAME - LAST	FIRST	MI

TYPE OF INFORMATION:

☒ CONTINUATION OF REPORT ☐ CLARIFICATION OF REPORT ☐ ADDITIONAL INFORMATION

NARRATIVE:

I gave a loud, clear order to "STOP RESISTING!" with negative results as he continued violently thrashing his upper body from side to side and kicking his legs. In order to prevent serious bodily injury to myself or other staff and to stop Inmate [REDACTED] assaultive actions, I placed [REDACTED] left hand behind his back and secured it in handcuffs. I maintained control of his left arm until Officer [REDACTED] secured his right hand in handcuffs. To gain leverage and maintain control I placed my right knee on his lower back and used my body weight to keep him in place.

Due to my focus on controlling inmate [REDACTED] could not identify what other staff were present, or utilized force or what techniques they utilized. I maintained control until responding staff secured in leg restraints. Once secured in handcuffs and leg restraints, Inmate [REDACTED] ceased his assaultive actions and became compliant. I let go of [REDACTED] hands and backed up. I informed Sergeant [REDACTED] of what had happened and that I felt a throbbing pain in my left knee. Sergeant [REDACTED] instructed me to await Investigative Services Unit (ISU) to be photographed and to report to medical to have a 7219 performed. This ends my involvement in this incident.

☒ CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL CDCR 837-C1.

	TITLE CORRECTIONAL OFFICER	BADGE # / ID # [REDACTED]	DATE 8/27/2019
	DATE RECEIVED 8/27/19	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO
		DATE 8/27/2019	

DISTRIBUTION: Original: Incident Package Copy: Reporting Employee Copy: Reviewing Supervisor

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CRIME / INCIDENT REPORT

PART C - STAFF REPORT

CDCR 837-C (Rev. 10/15)

PAGE 1 Of 2

INCIDENT LOG NUMBER
KVSP-FCY-19-08-0812

NAME: LAST [REDACTED]		FIRST [REDACTED]		MI --	DATE OF INCIDENT 8/27/2019	TIME OF INCIDENT 0817 HOURS
POST # 232007	POSITION C SECURITY PATIO	YEARS OF SERVICE 5YRS. 1MO.	DATE OF REPORT 8/27/2019		LOCATION OF INCIDENT FACILITY C UPPER YARD	

RDO'S M/T	DUTY HOURS 0600-1400	DESCRIPTION OF CRIME / INCIDENT Battery On A Peace Officer With A Weapon Resulting In The Use Of Force <u>1 SBI</u>	CCR SECTION / RULE 3005(d)(1)	☐ N/A

YOUR ROLE	WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)	INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)
☒ Primary	[REDACTED]	[REDACTED]
☐ Responder		
☐ Witness		
☐ Camera		
☐ Victim		
☐ Other:		

☐ N/A								
FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / NON-CONVENTIONAL FORCE								
☒ Physical:	Lethal Weapons:	Warning:	Effect:	Less Lethal Weapons:	# Effect:	Chemical Agent:	Projector:	#Deployed:
☐ Hand-Held Baton	☐ Mini 14			☐ 37 mm		☐ OC		
☐ X-10 BRD w/o OC	☐ .38 Cal			☐ 40 mm		☐ CN		
☐ X-10 BRD w/ OC	☐ .40 Cal			☐ LB		☐ CS		
	☐ 9 mm			☐ 40 mm Multi				
	☐ Shotgun			☐ HFWRS				

☐ Non-Conventional or Force Not Listed Above:

FORCE OBSERVED BY YOU	☒ N/A ☐ Physical ☐ Hand-Held Baton ☐ Chemical Agent ☐ X-10 ☐ Less Lethal ☐ Lethal ☐ Non-Conventional							
EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION		EVIDENCE DISPOSITION			BIO HAZARD	PPE	
☐ YES						☐ YES	☐ YES	
☒ NO	☒ N/A		☒ N/A			☒ NO	☒ NO	

REPORTING STAFF INJURED	DESCRIPTION OF INJURY	LOCATION TREATED (HOSPITAL/CLINIC)	FLUID EXPOSURE	SCIF 3301/3067 COMPLETED
☒ YES	Pain in right hand, forearm, and elbow. Red and swollen	Facility C, Medical Clinic/Outside Medical Facility	☐ BODILY ☒ N/A	☒ YES
☐ NO	☐ N/A	☐ N/A	☐ UNKNOWN	☐ NO
			☐ Other:	

NARRATIVE: On August 27, 2019, at approximately 1200 hours, I Sergeant [REDACTED] contacted Officer [REDACTED] via telephone regarding his involvement during this incident. I received this verbal account of Officer [REDACTED] actions during this incident due to Officer [REDACTED] receiving injuries requiring medical attention from an outside Medical Facility.

On Tuesday, August 27, 2019, at approximately 0817 hours, while working as Facility C Patio, a code 1, 2 on 1 was announced on Facility C Upper Yard. I was standing at the upper yard gate, when I saw inmate [REDACTED] walking to the incident site (It should be noted all inmates on the yard were in a prone position with the exception of the combatants and [REDACTED] from the concrete area near the Mental Health Building. [REDACTED] refused loud, clear and direct orders to stop, I responded to the [REDACTED] location with Officer D. [REDACTED] assist due to multiple staff assisting in the prior incident.

As Officer [REDACTED] and I approached [REDACTED] location, I gave Inmate [REDACTED] loud and clear direct orders to "Get Down" with negative results as Inmate [REDACTED] without warning or provocation began to become aggressive, I observed Inmate [REDACTED] without warning or provocation raise his cane to the sky with his left hand, swing his cane and hit Officer [REDACTED] in the left leg area. I utilized immediate physical force to subdue Inmate [REDACTED] attack and gain compliance with lawful orders, I grabbed inmate [REDACTED] right forearm with my right hand and grabbed his shirt on his upper back with my left hand and utilized my body weight to force him down. While trying to force [REDACTED]

☒ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

TITLE CORRECTIONAL OFFICER		BADGE # / ID #	DATE 8/27/2019
DATE RECEIVED 8/27/19	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO	DATE 8/27/2019

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CRIME / INCIDENT REPORT

PART C1 - SUPPLEMENT

CDCR 837-C1 (Rev. 10/15)

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INCIDENT LOG NUMBER
KVSP-FCY-19-08-0812

NAME: LAST

MI

TYPE OF INFORMATION:

☒ CONTINUATION OF REPORT

☐ CLARIFICATION OF REPORT

☐ ADDITIONAL INFORMATION

NARRATIVE:

to the ground, he pulled his arm from my grasp and grabbed a hold my right wrist while simultaneously squeezing my right wrist with his right hand and pulled it towards his chest. I was unable to free my wrist from his grasp as we fell to the ground. [REDACTED] and I fell to the ground. I landed on my right side, with my right elbow striking the ground. Inmate [REDACTED] then landed on his face and stomach area, with his full body weight landing on my still stuck right hand. I immediately felt a sharp pain from my right hand up to my elbow. I was able to free my right hand from under [REDACTED] torso. [REDACTED] was still actively resisting by violently trashing his upper body and kicking his legs. Due to my focus on freeing my hand from [REDACTED] grasp, I was unable to see any other physical force being used to force [REDACTED] to the ground. I was able to free my hand from [REDACTED] grasp and I regained control of [REDACTED] right wrist with both of my hands and placed it behind his back. I then observed Officer [REDACTED] securing [REDACTED] left hand in hand cuffs. Once his left hand was secured I was able to secure his right hand in the handcuff. I maintained control until responding staff secured inmate [REDACTED] in leg restraints.

Once secured in handcuffs and leg restraints, Inmate [REDACTED] ceased his assaultive actions and became compliant. I let go of [REDACTED] hand and backed up. I informed Sergeant [REDACTED] of what had happened and that I felt a sharp pain in my right hand that radiated through my forearm and into my right elbow. Sergeant [REDACTED] instructed me to await Investigative Services Unit (ISU) to be photographed and to report to medical to have a 7219 performed. I was then relieved of my duties and reported to Triage and Treatment area (TTA) and then to and outside medical facility for further evaluation. This ends my involvement in this incident.

☐ CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL CDCR 837-C1.

[REDACTED]	TITLE CORRECTIONAL OFFICER	BADGE # / ID # [REDACTED]	DATE 8/27/2019
	DATE RECEIVED 8/27/19	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO

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MAIL 15

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT

PART C - STAFF REPORT

CDCR 837-C (Rev. 10/15)

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INCIDENT LOG NUMBER

KVSP-FCY-19-08-0812

NAME: LAST	FIRST	MI	DATE OF INCIDENT	TIME OF INCIDENT
		NMI	8/27/2019	0817 HOURS

POST #	POSITION	YEARS OF SERVICE	DATE OF REPORT	LOCATION OF INCIDENT
232010	C YARD #2	4YRS. 10MO.	8/27/2019	FACILITY C, UPPER YARD

RDO'S TH/F	DUTY HOURS	DESCRIPTION OF CRIME / INCIDENT	CCR SECTION / RULE
	0800-1600	Battery on a Peace Officer Resulting in the Use of Force <i>with a weapon</i>	3005 (d)(1) ☐ N/A

YOUR ROLE	WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)	INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)
☐ Primary ☒ Responder ☐ Witness ☐ Camera ☐ Victim ☐ Other:		

☒ N/A FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / NON-CONVENTIONAL FORCE								
☐ Physical:	Lethal Weapons:	Warning:	Effect:	Less Lethal Weapons:	# Effect:	Chemical Agent:	Projector:	#Deployed:
☐ Hand-Held Baton	☐ Mini 14			☐ 37 mm		☐ OC		
☐ X-10 BRD w/o OC	☐ .38 Cal			☐ 40 mm		☐ CN		
☐ X-10 BRD w/ OC	☐ .40 Cal			☐ L8		☐ CS		
	☐ 9 mm			☐ 40 mm Multi				
	☐ Shotgun			☐ HFWS				

☐ Non-Conventional or Force Not Listed Above:

FORCE OBSERVED BY YOU	☐ N/A ☒ Physical ☐ Hand-Held Baton ☐ Chemical Agent ☐ X-10 ☐ Less Lethal ☐ Lethal ☐ Non-Conventional

EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION	EVIDENCE DISPOSITION	BIO HAZARD	PPE
☐ YES ☒ NO	☒ N/A	☒ N/A	☐ YES ☒ NO	☐ YES ☒ NO

REPORTING STAFF INJURED	DESCRIPTION OF INJURY	LOCATION TREATED (HOSPITAL/CLINIC)	FLUID EXPOSURE	SCIF 3301/3067 COMPLETED
☐ YES ☒ NO	☒ N/A	☒ N/A	☐ BODILY ☒ N/A ☐ UNKNOWN ☐ Other:	☐ YES ☒ NO

NARRATIVE: On Tuesday, August 27, 2019, at approximately 0817 hours, while assigned as Facility C Lower Yard Officer #2, I responded to a Code 1, Battery on staff announced via Institutional Radio. I was instructed by Sergeant [REDACTED] to retrieve Leg Restraints as [REDACTED] was kicking both his legs in an attempt to batter staff.

I returned with the leg restraints and I observed Officer [REDACTED] on the left side of Inmate [REDACTED] Officer [REDACTED] on the right side of Inmate [REDACTED] and Sergeant [REDACTED] had his left hand on the back of Inmate [REDACTED] left leg and his right hand on the back of Inmate [REDACTED] right leg. I secured a leg restraint cuff on Inmate [REDACTED] left leg then I secured a leg restraint cuff on Inmate [REDACTED] right leg. Once secured in leg restraints Inmate [REDACTED] stopped his assaultive actions. It should be noted due to my focus on handing over the leg restraints and focus on Inmate [REDACTED] legs I did not see Officer [REDACTED] or Officer [REDACTED]'s exact hand placement.

The Investigative Services Unit (ISU) arrived and processed the crime scene for items of evidentiary value. Sergeant [REDACTED] instructed me to escort [REDACTED] to Facility C Medical Clinic via wheelchair with the assistance of Officer [REDACTED] conducted a clothed body search with negative results for contraband. Officer [REDACTED] and I escorted Inmate [REDACTED] to the Facility C Medical Clinic via wheelchair. I conducted a search of the Facility C Medical Wet Tank with negative results for contraband. I placed Inmate [REDACTED] inside of the Wet Tank and conducted an unclothed body search with negative results for contraband.

Facility C Medical Staff deemed Inmate [REDACTED] needed further medical evaluation and requested the Emergency Response Vehicle (ERV) escort Inmate [REDACTED] to the Triage Treatment Area (TTA). I escorted Inmate [REDACTED] to TTA via the ERV. TTA Medical Staff evaluated Inmate [REDACTED] injuries and determined Inmate [REDACTED] required further evaluation from an outside hospital. I relinquished custody of Inmate [REDACTED] to a Transportation Team and Inmate [REDACTED] was transported to an outside hospital.

This concludes my involvement in this incident.

☐ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

TITLE	BADGE # / ID #	DATE
CORRECTIONAL OFFICER	[REDACTED]	8/27/2019
DATE RECEIVED	CLARIFICATION NEEDED	APPROVED
8/27/19	☐ YES ☒ NO	☒ YES ☐ NO
		DATE
		8/27/19

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STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT

PART C - STAFF REPORT

CDCR 837-C (Rev. 10/15)

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INCIDENT LOG NUMBER
KVSP-FCY-19-08-0812

NAME: LAST	FIRST	MI	DATE OF INCIDENT	TIME OF INCIDENT
			8/27/2019	0817 HOURS

POST #	POSITION	YEARS OF SERVICE	DATE OF REPORT	LOCATION OF INCIDENT
261064	ISU OFFICER # 4	3YRS. 4MO.	8/27/2019	FACILITY C, UPPER YARD

RDO'S S/S/H	DUTY HOURS	DESCRIPTION OF CRIME / INCIDENT	CCR SECTION / RULE	☐ N/A
	VARY	Battery on a Peace Officer resulting in the Use of Force / <i>in use of force</i>	3005 (d) (1)	

YOUR ROLE	WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)	INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)
☐ Primary ☒ Responder ☐ Witness ☐ Camera ☐ Victim ☐ Other:		

FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / NON-CONVENTIONAL FORCE								
Physical:	Lethal Weapons:	Warning:	Effect:	Less Lethal Weapons:	# Effect:	Chemical Agent:	Projector:	#Deployed:
☐ Hand-Held Baton ☐ X-10 BRD w/o OC ☐ X-10 BRD w/ OC	☐ Mini 14 ☐ .38 Cal. ☐ .40 Cal. ☐ 9 mm ☐ Shotgun			☐ 37 mm ☐ 40 mm ☐ L8 ☐ 40 mm Multi ☐ HFWS		☐ OC ☐ CN ☐ CS		

☐ Non-Conventional or Force Not Listed Above:

FORCE OBSERVED BY YOU	☒ N/A ☐ Physical ☐ Hand-Held Baton ☐ Chemical Agent ☐ X-10 ☐ Less Lethal ☐ Lethal ☐ Non-Conventional

EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION	EVIDENCE DISPOSITION	BIO HAZARD	PPE
☒ YES ☒ NO	(1) DME cane	ISU - Sub Evidence Locker # 23	☐ YES ☒ NO	☐ YES ☒ NO

REPORTING STAFF INJURED	DESCRIPTION OF INJURY	LOCATION TREATED (HOSPITAL/CLINIC)	FLUID EXPOSURE	SCIF 3301/3067 COMPLETED
☐ YES ☒ NO	☒ N/A	☒ N/A	☐ BODILY ☒ N/A ☐ UNKNOWN ☐ Other:	☐ YES ☒ NO

NARRATIVE: On Tuesday, August 27, 2019, at approximately 0817 hours, a "Code One" emergency occurred on Facility C, upper yard. The Kern Valley State Prison (KVSP) Investigative Service Unit (ISU) was requested, via institutional radio, to respond to Facility C, upper yard.

ISU Sergeant [REDACTED] and I reported to Facility C, Upper yard, where we made contact with Facility C staff, who informed us Inmate [REDACTED] battered Correctional Officers [REDACTED]. [REDACTED] (refer to Facility C Staff report for details regarding the incident).

ISU Officer [REDACTED] and I made Contact with [REDACTED]. ISU Officer [REDACTED] photographed Inmate [REDACTED] for documentation purposes (refer to ISU Officer [REDACTED] report for a description of photographs taken). Once ISU Officer [REDACTED] completed the photographs of Inmate [REDACTED] collected One (1) Durable Medical Equipment/Assistive Device - Cane (labeled RH01) from the crime scene area.

Upon completion, Officer [REDACTED] and I reported back to the ISU Office, where I logged and secured evidence item RH01 into the ISU Sub evidence room locker # 23.

☒ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

TITLE CORRECTIONAL OFFICER		BADGE # / ID #		DATE 8/27/2019	
DATE RECEIVED 8/27/19		CLARIFICATION NEEDED ☐ YES ☒ NO		APPROVED ☒ YES ☐ NO	
				DATE 8/27/19	

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CRIME / INCIDENT REPORT

PART C1 - SUPPLEMENT

CDCR 837-C1 (Rev. 10/15)

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INCIDENT LOG NUMBER
KVSP-FCY-19-08-0812

NAME: LAST

FIRST

MI
E

TYPE OF INFORMATION:

☒ CONTINUATION OF REPORT☐ CLARIFICATION OF REPORT☐ ADDITIONAL INFORMATION

NARRATIVE:

Evidence Description**RH01:**One (1) Durable Medical Equipment/Assistive Device – Cane (Brown in color).

This concludes my involvement in the incident.

☐ CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL CDCR 837-C1.TITLE
CORRECTIONAL OFFICER

BADGE # / ID #

DATE
8/27/2019

DATE RECEIVED

8/27/19

CLARIFICATION NEEDED

☐ YES ☒ NO

APPROVED

☒ YES ☐ NO

DATE

8/27/19

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CRIME / INCIDENT REPORT

PART C - STAFF REPORT

CDCR 837-C (Rev. 10/15)

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INCIDENT LOG NUMBER
KVSP-FCY-19-08-0812

NAME: LAST [REDACTED]		FIRST [REDACTED]		MI N	DATE OF INCIDENT 8/27/2019	TIME OF INCIDENT 0815 HOURS
POST # 261066	POSITION ISU #6	YEARS OF SERVICE 13YRS. 7 MO.	DATE OF REPORT 8/27/2019		LOCATION OF INCIDENT FACILITY C UPPER YARD	
RDO'S S/S/H	DUTY HOURS VARIED	DESCRIPTION OF CRIME / INCIDENT Battery on a Peace Officer resulting in the use of force <i>with a weapon</i>			CCR SECTION / RULE 3005 (d) (1) ☐ N/A	

YOUR ROLE	WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)	INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)
☐ Primary	[REDACTED]	[REDACTED]
☒ Responder	[REDACTED]	[REDACTED]
☐ Witness	[REDACTED]	[REDACTED]
☐ Camera	[REDACTED]	[REDACTED]
☐ Victim	[REDACTED]	[REDACTED]
☐ Other:	[REDACTED]	[REDACTED]

☒ N/A FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / NON-CONVENTIONAL FORCE								
☐ Physical:	Lethal Weapons:	Warning	Effect	Less Lethal Weapons:	# Effect:	Chemical Agent:	Projector:	#Deployed:
☐ Hand-Held Baton	☐ Mini 14			☐ 37 mm		☐ OC		
☐ X-10 BRD w/o OC	☐ .38 Cal			☐ 40 mm		☐ CN		
☐ X-10 BRD w/ OC	☐ .40 Cal			☐ L8		☐ CS		
	☐ 9 mm			☐ 40 mm Multi				
	☐ Shotgun			☐ HFWS				

☐ Non-Conventional or Force Not Listed Above:

FORCE OBSERVED BY YOU	☒ N/A ☐ Physical ☐ Hand-Held Baton ☐ Chemical Agent ☐ X-10 ☐ Less Lethal ☐ Lethal ☐ Non-Conventional			
EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION	EVIDENCE DISPOSITION	BIO HAZARD	PPE
☒ YES			☐ YES	☐ YES
☐ NO	☒ N/A	☒ N/A	☒ NO	☒ NO

REPORTING STAFF INJURED	DESCRIPTION OF INJURY	LOCATION TREATED (HOSPITAL/CLINIC)	FLUID EXPOSURE	SCIF 3301/3067 COMPLETED
☐ YES			☐ BODILY ☒ N/A	☐ YES
☒ NO	☒ N/A	☒ N/A	☐ UNKNOWN	☒ NO
			☐ Other:	

NARRATIVE: On Tuesday, August 27, 2019, at approximately 0815 hours, the Kern Valley State Prison (KVSP) Institutional Gang Investigations Unit (IGI), responded to Facility 'C' Upper Yard from the IGI Office, due to a Code 1, request for assistance, announced via Institutional radio.

Upon arrival to Facility C Upper Yard, I was informed by Investigative Service Unit Sergeant (Sgt.) [REDACTED] of a Battery on a Peace Officer. Specifically, Inmate [REDACTED] battered custody staff. (Refer to ISU Sgt. [REDACTED] report for a detailed description of the incident.)

ISU Sgt. [REDACTED] informed me Inmate [REDACTED] was in the prone position secured in handcuffs and leg restraints, on the asphalt area near the outer structural wall of the Mental Health Building and the grass area. I responded to the immediate area where Inmate [REDACTED] was located. Upon arrival, I assisted ISU Officer [REDACTED] with the processing of the crime scene area. I assisted ISU [REDACTED] by placing a lead card in front of Inmate [REDACTED] for identification purposes. ISU [REDACTED] collected items with evidentiary value from within the crime scene area (Refer to ISU [REDACTED] report for a detailed description of the evidence item(s) he collected).

☒ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

TITLE AIGI-C/O		BADGE # / ID #	DATE 8/27/2019
DATE RECEIVED 8/27/19	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO	DATE 8/27/19

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CRIME / INCIDENT REPORT**PART C1 - SUPPLEMENT**

CDCR 837-C1 (Rev. 10/15)

PAGE **2** Of **2**INCIDENT LOG NUMBER
KVSP-FCY-19-08-0812

NAME: LAST

FIRST

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N

TYPE OF INFORMATION:

☒ CONTINUATION OF REPORT☐ CLARIFICATION OF REPORT☐ ADDITIONAL INFORMATION**NARRATIVE:**

Inmate [REDACTED] informed me he was unable to stand due to a preexisting back injury as well as documented medical issues. I informed Facility 'C' Search and Escort staff to bring a wheelchair to the crime scene location for Inmate [REDACTED] to sit in during the crime scene processing. Upon the arrival of the wheelchair, I assisted Inmate [REDACTED] to his feet and into a seated position the wheelchair to which [REDACTED] did not oppose. I relocated Inmate [REDACTED] under transport of the wheelchair to the concrete structural wall near the Mental Health Building entrance door. I turned the wheelchair around facing ISU Officer [REDACTED] in order for Inmate [REDACTED] to be photographed for documentation purposes.

Upon the completion of the photographs, Facility 'C' staff escorted Inmate [REDACTED] under transport of the wheelchair off Facility 'C' upper yard.

This concludes my involvement in this incident.

☐ CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL CDCR 837-C1.

TITLE
AIGI-C/O

BADGE # / ID #

DATE
8/27/2019

DATE RECEIVED

CLARIFICATION NEEDED

APPROVED

DATE

☐ YES ☒ NO☒ YES ☐ NO

8/27/19

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STATE OF CALIFORNIA
CRIME / INCIDENT REPORT

PART C - STAFF REPORT

CDCR 837-C (Rev. 10/15)

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INCIDENT LOG NUMBER
KVSP-FCY-19-08-0812

NAME: LAST		FIRST		MI G	DATE OF INCIDENT 8/27/2019	TIME OF INCIDENT 0817 HOURS	
POST # 261063	POSITION ISU OFFICER #3	YEARS OF SERVICE 13YRS. 9MO.	DATE OF REPORT 8/27/2019		LOCATION OF INCIDENT FACILITY C UPPER YARD		
RDO'S S/S/H	DUTY HOURS VARY	DESCRIPTION OF CRIME / INCIDENT Battery on a Peace Officer with a Weapon and S O I			CCR SECTION / RULE ☐ N/A 3005(d)(1)		
YOUR ROLE		WITNESSES (PREFACE S-STAFF V-VISITOR, O-OTHER)		INMATES (PREFACE S-SUSPECT V-VICTIM, W-WITNESS)			
☐ Primary ☒ Responder ☐ Witness ☐ Camera ☐ Victim ☐ Other:							
☒ N/A FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / NON-CONVENTIONAL FORCE							
☐ Physical: ☐ Hand-Held Baton ☐ X-10 BRD w/o OC ☐ X-10 BRD w/ OC		Lethal Weapons: ☐ Mini 14 ☐ .38 Cal ☐ .40 Cal ☐ 9 mm ☐ Shotgun	Warning: ☐ Effect:	Less Lethal Weapons: ☐ 37 mm ☐ 40 mm ☐ L8 ☐ 40 mm Multi ☐ HFWS	# Effect: ☐ Chemical Agent: ☐ OC ☐ CN ☐ CS	Projector: ☐ #Deployed:	☐ Non-Conventional or Force Not Listed Above:
FORCE OBSERVED BY YOU		☒ N/A ☐ Physical ☐ Hand-Held Baton ☐ Chemical Agent ☐ X-10 ☐ Less Lethal ☐ Lethal ☐ Non-Conventional					
EVIDENCE COLLECTED BY YOU		EVIDENCE DESCRIPTION		EVIDENCE DISPOSITION		BIO HAZARD	PPE
☒ YES ☐ NO		RL01: CD-R containing six (6) digital images		Processed and secured in ISU Sub-Evidence Locker #2		☐ YES ☒ NO	☐ YES ☒ NO
REPORTING STAFF INJURED		DESCRIPTION OF INJURY		LOCATION TREATED (HOSPITAL/CLINIC)		FLUID EXPOSURE	
☐ YES ☒ NO		☒ N/A		☒ N/A		☐ BODILY ☒ N/A ☐ UNKNOWN ☐ Other:	
						SCIF 3301/3067 COMPLETED	
						☐ YES ☒ NO	

NARRATIVE: On Tuesday, August 27, 2019, at approximately 0817 hours, Facility C announced a battery on staff, via institutional radio, shortly after the Investigative Services Unit (ISU) was requested to respond to Facility C.

ISU and Institutional Gang Investigations Unit (IGI) staff and I reported to Facility C, Upper Yard. ISU and IGI staff was briefed by Facility C staff that Officers [REDACTED] were battered by [REDACTED]

ISU Officer [REDACTED] Assistant Institutional Gang Investigations Unit (AIGI) Officer [REDACTED] and I began to process the crime scene by identifying items of evidentiary value within the crime scene area and [REDACTED] I began to take photograph the crime scene and the cane used in the incident. ISU Officer [REDACTED] collected the cane as evidence and maintained sole possession (refer to ISU Officer [REDACTED] report for description of the evidence item collected).

Upon completion of processing the cane, ISU Officer [REDACTED] and I made contact with [REDACTED] I informed Inmate [REDACTED] will be taking a series of him [REDACTED]. It must be noted, due to Inmate [REDACTED] medical condition, Inmate [REDACTED] is unable to stand on his own. Facility C staff arrived with a wheelchair to accommodate Inmate [REDACTED] medical condition. AIGI Officer [REDACTED] assisted Inmate [REDACTED] the wheelchair. AIGI [REDACTED] assisted Inmate Quarles to the concrete wall. I began to take photographs of Inmate [REDACTED] (refer to page 2 of report for description of photographs taken). Upon completion, Facility C staff escorted Inmate [REDACTED] to the Facility C Program area. I notified the

☒ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

TITLE OFFICER R. LOZA		BADGE # / ID #		DATE 8/27/19	
DATE RECEIVED 8/27/19	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO	DATE 8/27/19		

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CRIME / INCIDENT REPORT

DEPARTMENT OF CORRECTIONS AND REHABILITATION

PART C1 - SUPPLEMENT

CDCR 837-C1 (Rev. 10/15)

PAGE 2 of 2

INCIDENT LOG NUMBER
KVSP-FCY-19-08-0812

NAME: LAST

FIRST

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TYPE OF INFORMATION:

☒ CONTINUATION OF REPORT☐ CLARIFICATION OF REPORT☐ ADDITIONAL INFORMATION

NARRATIVE:

Facility C sergeant Inmate [REDACTED] cane was collected as evidence and had to be replace. Upon completion, ISU staff reported back to the ISU Office.

While at the ISU Office I downloaded eleven (11) digital images into the ISU evidence computer and copied them onto a blank CD-R labeling RL01. I logged and secured evidence item RL01 into ISU Sub-Evidence locker #2.

Evidence Description:

RL01: One (1) CD-R with eleven (11) digital images.

Photographs taken are described as follows:

Photograph 01: Overall view of Inmate [REDACTED]

Photograph 02: Overall view of evidence marker "A" next to [REDACTED] and evidence marker "1" next to medical cane.

Photograph 03: Overall view of evidence marker "1" next to a medical cane.

Photograph 04: Overall view of evidence marker "1" next to a medical cane with a rule for scale.

Photograph 05: Overall view of evidence marker "A" next to [REDACTED]

Photograph 06: Overall view of Inmate [REDACTED] with a name placard.

Photograph 07: Overall view of Inmate [REDACTED] with a name placard.

Photograph 08: Overall view of Inmate [REDACTED] in a wheelchair.

Photograph 09: Overall view of Inmate [REDACTED] right leg.

Photograph 10: Overall view of Inmate [REDACTED] right knee with abrasion.

Photograph 11: Overall view of Inmate [REDACTED] facial area.

This concludes my involvement in this incident.

☐ CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL CDCR 837-C1.

[REDACTED]	TITLE OFFICER R. LOZA	BADGE # / ID # [REDACTED]	DATE
	DATE RECEIVED 8/27/19	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO
		DATE 8/27/19	

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CRIME / INCIDENT REPORT

PART C - STAFF REPORT

CDCR 837-C (Rev. 10/15)

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INCIDENT LOG NUMBER
KVSP-FCY-19-08-0812

NAME: LAST		FIRST		MI	DATE OF INCIDENT	TIME OF INCIDENT
				S	8/27/2019	0817 HOURS
POST #	POSITION	YEARS OF SERVICE	DATE OF REPORT	LOCATION OF INCIDENT		
261065	ISU OFFICER #5	3YRS. 6MO.	8/27/2019	FACILITY C UPPER YARD		
RDO'S F/S/H	DUTY HOURS	DESCRIPTION OF CRIME / INCIDENT			CCR SECTION / RULE	
	VARY	Battery on a Peace Officer with a Weapon Resulting in the Use of Force			3005 (d) (1)	
YOUR ROLE		WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)		INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)		
☐ Primary ☒ Responder ☐ Witness ☐ Camera ☐ Victim ☐ Other:						
☒ N/A FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / NON-CONVENTIONAL FORCE						
☐ Physical: ☐ Hand-Held Baton ☐ X-10 BRD w/o OC ☐ X-10 BRD w/ OC		Lethal Weapons: ☐ Mini 14 ☐ .38 Cal ☐ .40 Cal ☐ 9 mm ☐ Shotgun	Warning: Effect:	Less Lethal Weapons: ☐ 37 mm ☐ 40 mm ☐ L8 ☐ 40 mm Multi ☐ HFWRS	# Effect: Chemical Agent: ☐ OC ☐ CN ☐ CS	Projector: #Deployed:
☐ Non-Conventional or Force Not Listed Above:						
FORCE OBSERVED BY YOU		☒ N/A ☐ Physical ☐ Hand-Held Baton ☐ Chemical Agent ☐ X-10 ☐ Less Lethal ☐ Lethal ☐ Non-Conventional				
EVIDENCE COLLECTED BY YOU		EVIDENCE DESCRIPTION			EVIDENCE DISPOSITION	
☐ YES ☒ NO		☒ N/A			BIO HAZARD ☐ YES ☒ NO	
REPORTING STAFF INJURED		DESCRIPTION OF INJURY		LOCATION TREATED (HOSPITAL/CLINIC)	FLUID EXPOSURE	SCIF 3301/3067 COMPLETED
☐ YES ☒ NO		☒ N/A		☒ N/A	☐ BODILY ☐ UNKNOWN ☐ Other:	☐ YES ☒ NO

NARRATIVE: On Tuesday, August 27, 2019, at approximately 0817 hours, a "Code One" emergency occurred on Facility C, Upper Yard. The Kern Valley State Prison (KVSP) Investigative Services Unit (ISU) was requested to respond to Facility C, Upper Yard via institutional radio.

ISU Sergeant P. Cruz, ISU Officer's [REDACTED] and I reported to Facility C, Upper Yard, where we made contact with Facility C staff, who informed us, [REDACTED] battered Officer's [REDACTED] Inmate [REDACTED] used his Durable Medical Equipment (DME) state issued cane and struck Officer [REDACTED] on his left knee. Additionally, while Officer's [REDACTED] attempted to subdue Inmate [REDACTED] attack, Inmate [REDACTED] battered Officers [REDACTED] (Refer to Officer's [REDACTED] report for details regarding the incident).

ISU Officer's [REDACTED] made contact with Inmate [REDACTED] and began processing the crime scene area (Refer to ISU Officer [REDACTED] and ISU [REDACTED] reports for details regarding the processing of the crime scene).

ISU Officer [REDACTED] and I made contact with Officer's [REDACTED] Officer [REDACTED] informed them she would be taking a series of photos for documentation purposes. Officer [REDACTED] proceeded to photograph Officer's [REDACTED] and [REDACTED] individually (Refer to Officer [REDACTED] report for description of Photographs taken).

☒ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

TITLE CORRECTIONAL OFFICER		BADGE # / ID #		DATE 8/27/2019
DATE RECEIVED 8/27/19	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO	DATE 8/27/19	

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CRIME / INCIDENT REPORT

DEPARTMENT OF CORRECTIONS AND REHABILITATION

PART C1 - SUPPLEMENT

CDCR 837-C1 (Rev. 10/15)

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INCIDENT LOG NUMBER
KVSP-FCY-19-08-0812

NAME: LAST

FIRST

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TYPE OF INFORMATION:

☒ CONTINUATION OF REPORT☐ CLARIFICATION OF REPORT☐ ADDITIONAL INFORMATION

NARRATIVE:

While Officer [REDACTED] photographed each officer individually, I assisted by creating lead cards and pointing to the injured areas of each Officer utilizing a blue pen as a pointer.

Upon completion of collecting evidentiary items, I reported to the ISU Office along with Officer [REDACTED] where she processed the evidence she collected (*Refer to Officer [REDACTED] report for details of description and disposition of evidence collected*).

This concludes my involvement in this incident

☐ CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL CDCR 837-C1.

[REDACTED]	TITLE CORRECTIONAL OFFICER	BADGE # / ID # [REDACTED]	DATE 8/27/2019
	DATE RECEIVED 8/27/19	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO
			DATE 8/27/19

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CRIME / INCIDENT REPORT

PART C - STAFF REPORT

CDCR 837-C (Rev. 10/15)

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INCIDENT LOG NUMBER
KVSP-FCY-19-08-0812

NAME: LAST [REDACTED]		FIRST [REDACTED]		MI A	DATE OF INCIDENT 8/27/2019	TIME OF INCIDENT 0817 HOURS	
POST # 232018	POSITION C OBSERVATION #2	YEARS OF SERVICE 8YRS, 8MO.	DATE OF REPORT 8/27/2019		LOCATION OF INCIDENT FACILITY C UPPER YARD		
RDO'S TH/FR	DUTY HOURS 0600-1400	DESCRIPTION OF CRIME / INCIDENT Battery on a Peace Officer with a Weapon Resulting in the Use of Force and ~~Weapon~~ <u>S&T</u>				CCR SECTION / RULE 3005 (d) (1) ☐ N/A	
YOUR ROLE		WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)		INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)			
☐ Primary				[REDACTED]			
☐ Responder							
☒ Witness							
☐ Camera							
☐ Victim							
☐ Other:							
☒ N/A							
FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / NON-CONVENTIONAL FORCE							
☐ Physical:	Lethal Weapons:	Warning:	Effect:	Less Lethal Weapons:	# Effect:	Chemical Agent:	Projector:
☐ Hand-Held Baton	☐ Mini 14			☐ 37 mm		☐ OC	
☐ X-10 BRD w/o OC	☐ .38 Cal			☐ 40 mm		☐ CN	
☐ X-10 BRD w/ OC	☐ .40 Cal			☐ L8		☐ CS	
	☐ 9 mm			☐ 40 mm Multi			
	☐ Shotgun			☐ HFWS			
☐ Non-Conventional or Force Not Listed Above:							
FORCE OBSERVED BY YOU	☒ N/A ☐ Physical ☐ Hand-Held Baton ☐ Chemical Agent ☐ X-10 ☐ Less Lethal ☐ Lethal ☐ Non-Conventional						
EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION		EVIDENCE DISPOSITION			BIO HAZARD	PPE
☐ YES						☐ YES	☐ YES
☒ NO	☒ N/A		☒ N/A			☒ NO	☒ NO
REPORTING STAFF INJURED	DESCRIPTION OF INJURY		LOCATION TREATED (HOSPITAL/CLINIC)		FLUID EXPOSURE		SCIF 3301/3067 COMPLETED
☐ YES					☐ BODILY ☒ N/A		☐ YES
☒ NO	☒ N/A		☒ N/A		☐ UNKNOWN		☒ NO
					☐ Other:		
NARRATIVE: On Tuesday, August 27, 2019, at approximately 0817 hours, while assigned as Facility C Observation #2, I was providing gun coverage on Facility C upper yard, as staff were securing (3) combatants in handcuffs from a 2 on 1 fight that occurred at 0815 hours. A code 1 was announced via institutional radio, battery on staff Facility C upper yard, all inmates were still in a prone position from the prior incident. I scanned the entire yard, I saw inmate [REDACTED] in a prone position secured in handcuffs in front of the Mental Health Building. Should be noted due to my focus towards Facility C Dining #4, of the 2 on 1 fight I did not see the incident in front of Mental Health or any force that was used to subdue the attack. Responding staff escorted Inmate [REDACTED] off Facility C upper yard as I maintained gun coverage. This concludes my involvement in this incident.							

☐ CHECK IF NARRATIVE IS CONTINUED ON CDCR 837-C1.

TITLE CORRECTIONAL OFFICER		BADGE # / ID # [REDACTED]	DATE 8/27/2019
DATE RECEIVED 8/27/19	CLARIFICATION NEEDED ☐ YES ☒ NO	APPROVED ☒ YES ☐ NO	DATE 8/27/19

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VAIL 25

EXHIBIT TT

**CONFIDENTIAL SUPPLEMENT TO APPEAL
"APPEAL INQUIRY"**

DO NOT COPY OR DISTRIBUTE EXCEPT PURSUANT TO CCR Title 15, Section 3084.9(i)(3)(B)1.

Date: March 11, 2020

Appeal Log Number: KVSP-O-20-00661

Inmate/Parolee Name: [REDACTED]

CDC Number: [REDACTED]

Assigned Reviewer: Name and Title [REDACTED] Correctional Lieutenant

Date and place of interview: March 11, 2020, California State Prison Los Angeles County (CSP-LAC) Telephonically.

Effective Communication:

A review of the Test of Adult Basic Education (TABE) reveals the appellant has a TABE score of 7.4 Reading Grade Point Level. The appellant is a participant in the Mental Health Services Delivery System (MHSDS) at the Enhanced Outpatient Program (EOP) level of care. I was able to ensure the appellant had the ability to understand the issues being discussed by speaking clearly and asking the appellant questions regarding the appeal. The appellant's verbal responses and interactions sufficiently ensured me the appellant was able to comprehend the matters involved.

Accused Staff Member(s):

[REDACTED] Correctional Sergeant
[REDACTED] Correctional Officer
[REDACTED] Correctional Officer
[REDACTED] Correctional Officer

Synopsis of Allegation:

The appellant contends on August 27, 2019, he was participating in the EOP group therapy yard on the Facility 'C' Upper Yard. The appellant alleges, during yard, he spoke out regarding staff misconduct during an active incident. The appellant further alleges, Correctional Officers [REDACTED] approached him and gave orders to assume a prone position. The appellant contends he informed Officers [REDACTED] he could not assume a prone position due to being a part of the Americans with Disabilities Act (ADA), due to having a cane to assist with walking.

The appellant alleges Officers [REDACTED] began punching and kicking him while forcing him into a prone position on the upper yard. The appellant also alleges, after being secured in handcuffs, Officer [REDACTED] continued to punch and kick him as Correctional Officer [REDACTED] put his head into the pavement multiple times. The appellant further alleges, Sergeant [REDACTED] put his knee in the appellant's back while striking the appellant with his fists.

Confidential Supplement To Appeal

Appeal Inquiry

KVSP-O-20-00661

Witnesses:

[REDACTED], Correctional Sergeant
[REDACTED], Correctional Officer
[REDACTED], Correctional Officer
[REDACTED], Correctional Officer
[REDACTED], Recreational Therapist
[REDACTED], Recreational Therapist

Inmate [REDACTED]
Inmate [REDACTED]
Inmate [REDACTED]
Inmate [REDACTED]
Inmate [REDACTED]

Findings:

Inmate [REDACTED]

On March 11, 2020, [REDACTED] Correctional Lieutenant, conducted a telephonic interview with the appellant in a private setting while the appellant was housed at CSP--LAC. The appellant signed a California Department Corrections and Rehabilitation (CDCR) 1858 Rights and Responsibility Statement.

During the interview, I asked the appellant if the appeal he had submitted was complete and if any pages were missing. I reiterated the appeal submitted by the appellant. The appellant stated everything regarding the appeal was accurate. During the interview, I asked the appellant if he would like to submit any further documentation or evidence to the appeal. The appellant informed me, he did not have any further evidence to substantiate his allegations. I asked the appellant to provide further details regarding the allegations brought forth.

The appellant stated everything he documented in the appeal was accurate. The appellant further explained, Officers [REDACTED] approached him while he was sitting at a table on the Facility 'C' Upper Yard and was not in a prone position. The appellant informed me, Officers [REDACTED] did not like the fact he did not have on an ADA vest. The appellant stated for no reason, Officers [REDACTED] and [REDACTED] began to punch and kick him and forced him into a prone position and put him in handcuffs. The appellant further stated, after being secured in handcuffs, they continued to punch and kick him while Officer [REDACTED] grabbed his head and started banging his head into the ground. The appellant further explained Sergeant [REDACTED] responded and punched him in the head.

During the interview, I asked the appellant if the allegations occurred while standing near the table on the yard. The appellant stated, "Yes." The appellant informed me,

Confidential Supplement To Appeal

Appeal Inquiry

KVSP-O-20-00661

after the officers assaulted him for no reason, he was falsely charged for Battery on a Peace Officer.

At the conclusion of the interview, I asked the appellant if could identify any inmate witnesses who could potentially substantiate the allegations. The appellant informed me the inmate he was playing chess with (Inmate [REDACTED]) and any inmate participating in group on the yard. I asked the appellant if he had any staff witnesses he would like to document. The appellant stated he observed two (2) Recreational therapists near where the incident took place. The appellant informed me one of the therapists was "Miss 'P'" (M. Plancarte), and the other therapist the appellant thought to be "Mrs. Broderick" identified as (C. Broderick).

The appellant had nothing further to add, and I had no further questions; therefore, I concluded the interview.

It should be noted, within this appeal, the appellant made allegations of staff utilizing chemical agents on an inmate during an incident which the appellant felt was unnecessary use of force. This appeal was bifurcated and those allegations were addressed on a separate appeal log #KVSP-O-19-03519.

Correctional Officer [REDACTED] Facility C Building 4 Floor Officer #1:

Correctional Officer [REDACTED] was interviewed on March 12, 2020. During the interview, I informed Officer [REDACTED] of the allegations brought forth by the appellant. I asked Officer [REDACTED] if he recollected the appellant and his involvement with the appellant during an incident on August 27, 2019. Officer [REDACTED] informed me he recalled the appellant and the incident he was involved in with the appellant. During the interview, I asked Officer [REDACTED] if he could provide a further detailed account of his interactions with the appellant, and if his CDCR 837 Crime/Incident Report was complete and accurate. Officer [REDACTED] informed me his authored CDCR 837-C was accurate.

During the interview, Officer [REDACTED] informed me, he recalled responding to a Code 1 on the upper yard due to a fight. Officer [REDACTED] explained, as he entered the upper yard, he observed inmates in a prone position with the exception of the appellant. The appellant was actively walking on the track near the mental health building, approaching the incident area yelling something about spraying inmates for no reason. Officer [REDACTED] stated he began to approach the appellant with Officer J. [REDACTED] while giving orders to the appellant to "Get Down." The appellant refused and turned towards him. Officer [REDACTED] informed me he was attempting to secure the appellant in handcuffs to make the incident safe, when the appellant stated, "I don't have to prone out. I'm ADA." Officer [REDACTED] further stated, the appellant struck him with cane and immediate use of physical force was utilized to force the appellant to the ground.

I asked Officer [REDACTED] if he or any other officer struck the appellant with fists or kicked the appellant. Officer [REDACTED] informed he did not punch or kick the appellant

Confidential Supplement To Appeal

Appeal Inquiry

KVSP-O-20-00661

nor did he observe the allegations brought forth by the appellant. Officer [REDACTED] informed me the appellant was not allowing his hand to be secured in handcuffs and was thrashing his body and kicking his legs. Officer [REDACTED] further explained only physical force was utilized to overcome the appellant's resistive and assaultive behavior. Officer [REDACTED] informed me, after the appellant was secured in restraints, he became calm and no further force was utilized. The appellant was escorted off of the yard.

Officer [REDACTED] had nothing further to add, and I had no further questions; therefore I concluded the interview.

Correctional Officer [REDACTED] Facility C Security Patio Officer:

On March 12, 2020, I conducted a telephonic interview with Correctional Officer [REDACTED] due to Officer [REDACTED] being on extended leave (Workers Compensation) as a result of this incident. Prior to the interview, I informed Officer [REDACTED] he was the subject of a staff complaint and discussed the Attachment 'D' Notice of Interview and the Attachment 'F' Advisement of Rights. Officer [REDACTED] elected to conduct the interview telephonically and indicated he did not need to be represented. Officer [REDACTED] elected to waive the 24-hour notice and indicated he did not need the interview to be recorded.

During the interview, I advised Officer [REDACTED] of the allegations made by the appellant. I asked Officer [REDACTED] if he recollected the appellant and the incident he was involved in with the appellant on August 27, 2019. Officer [REDACTED] informed me he recalled the appellant and the incident due to being injured as a result of the appellant. During the interview, I asked Officer [REDACTED] if he could provide further details regarding his interactions based on the incident regarding the allegations brought forth by the appellant.

Officer [REDACTED] informed me during an active Code 1 on the upper yard, he observed the appellant walking on the track towards the mental health building while yelling at staff during an active incident. Officer [REDACTED] further explained, while approaching the appellant with Officer D. [REDACTED] the appellant was ordered to "Get Down." Officer [REDACTED] stated the appellant turned around and became angry and agitated when without warning or provocation, the appellant utilized his cane to batter Officer [REDACTED] informed me, physical force was utilized to force the appellant to the ground. While going to the ground, Officer [REDACTED] stated the appellant landed on his stomach and facial area while his hand was stuck under the appellant resulting in his hand being injured.

I asked Officer [REDACTED] if the appellant continued his violent actions while on the ground. Officer [REDACTED] explained the appellant was actively kicking and thrashing his body. Officer [REDACTED] stated physical force was utilized to restrain the appellant and secure the appellant in handcuffs. I asked Officer [REDACTED] if he utilized excessive or unnecessary force such as punching or kicking the appellant. Officer [REDACTED] stated

Confidential Supplement To Appeal
Appeal Inquiry

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he did not and his hand was in severe pain and needed to be treated. I asked Officer [REDACTED] if he observed any staff member punch or kick the appellant. Officer [REDACTED] stated he did not observe anyone punch or kick the appellant. I asked Officer [REDACTED] if he observed Officer [REDACTED] grab the appellant by the head and force his head into the ground. Officer [REDACTED] informed me he did not observe what was alleged.

At the conclusion of the interview, I asked Officer [REDACTED] if he or Officer [REDACTED] ever approached the appellant at a table on the upper yard on the aforementioned date. Officer [REDACTED] stated the only time the appellant was approached was when he was observed walking on the track.

Officer [REDACTED] had nothing further to add, and I had no further questions; therefore I concluded the interview.

Correctional Officer [REDACTED] Facility C Building 7 Officer #1:

Correctional Officer [REDACTED] was interviewed on March 11, 2020. During the interview, I informed Officer [REDACTED] of the allegations made by the appellant. I asked Officer [REDACTED] if he recollected the appellant and the incident he was involved in on August 27, 2019. Officer [REDACTED] informed me, he recalled the appellant and the incident on the aforementioned date. During the interview, I asked Officer [REDACTED] if he observed the appellant sitting at a table on the upper yard. Officer [REDACTED] stated he did not see the appellant sitting at a table. Officer [REDACTED] explained he observed two officers talking to the appellant near the mental health building. I asked Officer [REDACTED] if he could provide any details of his involvement to include any observations.

Officer [REDACTED] explained he was quite a distance away when he observed the appellant use his cane to batter an officer and force was utilized to force the appellant to the ground. Officer [REDACTED] explained he observed the appellant violently kicking his legs and thrashing his body. Officer [REDACTED] informed me he responded to the incident to help assist gaining control of the appellant's legs. Officer [REDACTED] informed me he could not gain control of the appellant's legs due to the appellant kicking him in the right knee and wrist resulting in him backing away in severe pain and not being able to provide any further assistance.

I asked Officer [REDACTED] if he grabbed the appellant by the head and slammed his head in the ground. Officer [REDACTED] stated he did not touch the appellant due to having to back away in severe pain. Officer [REDACTED] explained he did not observe anything staff was doing due to Sergeant [REDACTED] instructing him leave the area due to his injuries. Officer [REDACTED] stated he was sent to an outside medical facility to be treated.

At the conclusion of the interview, I asked Officer [REDACTED] if he observed unnecessary or excessive use of force. Officer [REDACTED] informed me he did not observe anything alleged by the appellant.

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██████████ had nothing further to add, and I had no further questions; therefore, I concluded the interview.

Correctional Sergeant ██████████ Facility C Program Sergeant #1:

Correctional Sergeant ██████████ was interviewed on March 11, 2020. During the interview, I informed Sergeant ██████████ of the allegations made by the appellant. I asked Sergeant ██████████ if he recollected the appellant and an incident involving the appellant on August 27, 2019. Sergeant ██████████ informed me, he recalled the appellant and responding to the incident regarding the appellant. I asked Sergeant ██████████ if he could provide further details of his involvement and observations regarding the appellant on the aforementioned date.

██████████ explained, while performing his duties, he responded to a Code 1 with inmates fighting on the upper yard. ██████████ informed me, while responding to the incident he observed Officers ██████████ counselling the appellant. Sergeant ██████████ further explained, he observed the appellant batter Officer ██████████ with his Durable Medical Equipment (DME) walking cane resulting in Officers ██████████ utilizing immediate physical force to stop the attack and force the appellant to the ground. While the appellant was on the ground, Sergeant ██████████ stated he observed the appellant being resistive and actively kicking both legs.

Sergeant ██████████ informed me he gave orders to the appellant to stop resisting with negative results as the appellant continued to attempt to batter staff. Sergeant ██████████ informed me he observed Officer ██████████ get battered by the appellant by being kicked. This resulted in Sergeant ██████████ relieving Officer ██████████ and utilizing physical force to maintain control of the appellant's legs until secured in leg restraints. I asked Sergeant ██████████ if he punched or kicked the appellant during the incident. Sergeant ██████████ stated he did not punch or kick the appellant nor did he observe any officer utilize unnecessary or excessive use of force on the appellant.

Sergeant ██████████ had nothing further to add, and I had no further questions; therefore, I concluded the interview.

Correctional Officer ██████████ Facility C Observation #2:

Correctional Officer ██████████ was interviewed on March 11, 2020. During the interview, I informed ██████████ of the allegations made by the appellant. I asked ██████████ if he recollected the appellant and an incident involving the appellant on August 27, 2019. ██████████ informed me, he recalled the appellant being involved in an incident. I asked ██████████ if he could provide a detailed account of any observations during the incident regarding the appellant.

During the interview, Officer ██████████ informed me he was observing and providing coverage of an active Code 1 on the upper yard involving a two on one fight.

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Officer [REDACTED] further explained when he heard Battery on a Peace Officer announced on the radio, he scanned the yard and observed the appellant in a prone position in restraints near the mental health building. I asked Officer [REDACTED] if he was able to observe any use of force whether necessary or unnecessary. Officer [REDACTED] informed me he was unable to see any type of force utilized on the appellant.

Officer [REDACTED] had nothing further to add, and I had no further questions; therefore I concluded the interview.

Correctional Sergeant R. [REDACTED] C Yard Sergeant:

Correctional Sergeant R. [REDACTED] was interviewed on March 12, 2020. During the interview, I informed Sergeant [REDACTED] of the allegations made by the appellant regarding an incident occurring on August 27, 2019. I asked Sergeant [REDACTED] if he recollected the appellant and an incident involving the appellant on the aforementioned date. Sergeant [REDACTED] informed me, he recalled the appellant due to a Code 1 being announced for the appellant committing Battery on a Peace Officer.

I asked Sergeant [REDACTED] if he observed any force utilized during the incident involving the appellant. Sergeant [REDACTED] informed me, he did not observe the incident involving the appellant nor did he observe any of the allegations made by the appellant due to being focused and actively involved with a two on one fight.

Sergeant [REDACTED] had nothing further to add, and I had no further questions; therefore I concluded the interview.

Correctional Officer [REDACTED] Facility C Building 8 HCA Escort #2:

Correctional Officer [REDACTED] was interviewed on March 12, 2020. During the interview, I informed Officer [REDACTED] of the allegations made by the appellant. I asked Officer [REDACTED] if he recollected the appellant and an incident involving the appellant on August 27, 2019. Officer [REDACTED] informed me, he recalled the appellant being involved in an incident on the aforementioned date. I asked Officer [REDACTED] if he could provide a detailed account of any observations he may have had on the day the allegations occurred regarding the appellant.

During the interview, Officer [REDACTED] informed me he was involved in a Code 1, two on one fight on the upper yard of Facility 'C'. Officer [REDACTED] further explained, while staying focused on the fighting inmates, he looked over his shoulder and observed the appellant yelling at him from quite a distance away. Officer [REDACTED] stated due to the distance between the appellant and himself, he turned his attention back to the fighting inmates. I asked Officer [REDACTED] if he was able to observe the incident involving the appellant or any force utilized on the appellant. Officer [REDACTED] informed me, due to his focus on the incident in front of him, he did not observe the incident with the appellant nor did he observe any force utilized on the appellant.

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Officer [REDACTED] had nothing further to add, and I had no further questions; therefore, I concluded the interview.

Recreational Therapist M. Plancarte, Enhanced Outpatient Program (EOP) Therapist:

Recreational Therapist (RT) M. Plancarte was interviewed on March 11, 2020, due to being requested as a witness by the appellant. During the interview, I informed RT Plancarte of the allegations made by the appellant on August 27, 2019. I asked RT Plancarte if she recollected the appellant and an incident involving the appellant on August 27, 2019. RT Plancarte informed me, she recalled the aforementioned date and is familiar with the appellant.

During the interview, I asked RT Plancarte if on the aforementioned date, she observed the incident involving the appellant. RT Plancarte informed me she did not observe the incident involving the appellant due to an incident being announced on the upper yard and returning to safety in building 8. I asked RT Plancarte if at any time she observed staff utilize unnecessary use of force specifically, striking the appellant with fists or kicking the appellant. RT Plancarte informed me she did not observe any allegations made by the appellant and further stated when exiting Building 8 and making her way towards the Mental Health building, she observed staff photographing the appellant.

RT Plancarte had nothing further to add, and I had no further questions; therefore, I concluded the interview.

Recreational Therapist C. Broderick, Enhanced Outpatient (EOP) Therapist:

RT Broderick was requested as witness by the appellant. It was brought to my attention, RT Broderick no longer works for Kern Valley State Prison nor the CDCR. I was unable to interview RT Broderick, however, Correctional Lieutenant [REDACTED] conducted an interview with RT Broderick during the CDCR 3014 Report of Findings-Inmate Interview.

During the interview with Lieutenant [REDACTED] he asked RT Broderick if she had observed force utilized on the appellant on the aforementioned date. RT Broderick stated, "I just remember momentarily stepping out of building 8, and saw several Officers attempting to physically restrain him. Due to their far distance away from me, I did not see exactly how they were restraining him. I could hear him yelling obscenities and I entered back into building 8." Lieutenant Castellanos asked RT Broderick if she observed staff punching, kicking, or using force she felt was unnecessary. RT Broderick replied, "Oh no. we exited the building a few moments later and returned to the Mental Health building."

It should be noted, the Crime/Incident Report CDCR 837-C authored by Mrs. Broderick, was consistent with what was reported to Lieutenant [REDACTED]

Correctional Officer [REDACTED], Facility C Yard Officer #2:

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Correctional Officer [REDACTED] was interviewed on March 12, 2020. During the interview, I informed Officer [REDACTED] of the allegations made by the appellant. I asked Officer [REDACTED] if he recollected the appellant and the incident he was involved in on August 27, 2019. Officer [REDACTED] informed me, he recalled the appellant and his involvement regarding the incident with the appellant on the aforementioned date. During the interview, I asked Officer [REDACTED] if he could provide any details of his involvement to include any observations during the aforementioned incident.

During the interview, Officer [REDACTED] explained he responded to a Battery on a Peace Officer on the upper yard and observed the appellant in a prone position kicking his legs in an attempt to batter staff. Officer [REDACTED] informed me he retrieved leg restraints and observed Sergeant [REDACTED] utilize physical strengths and holds to maintain control of the appellant's legs while he secured the appellant's legs in leg restraints. Officer [REDACTED] informed me, after the appellant was secured in restraints, the appellant stopped his violent behavior and the crime scene was processed. Officer [REDACTED] informed me he escorted the appellant to the Facility 'C' Medical Clinic for a medical evaluation with Correctional Officer [REDACTED].

At the conclusion of the interview, I asked Officer [REDACTED] if he observed staff punch, kick, or utilize any force which would be considered unnecessary or excessive. Officer [REDACTED] stated he did not observe any staff member punch, kick, or utilize excessive force.

Officer [REDACTED] had nothing further to add, and I had no further questions; therefore, I concluded the interview.

Inmate [REDACTED] Facility C Building 8 Cell [REDACTED]

Inmate [REDACTED] was subsequently interviewed on August 31, 2019, by Correctional Lieutenant [REDACTED] during the CDCR 3014 Report of Findings-Inmate Interview due to the appellant requesting Inmate [REDACTED] as a witness. Inmate [REDACTED] was alleged to be playing chess with the appellant at the time the allegations occurred.

Inmate [REDACTED] informed Lieutenant [REDACTED] he was participating in morning yard on the date of the allegations. Lieutenant [REDACTED] asked Inmate [REDACTED] if he observed an incident transpire involving the appellant. Inmate [REDACTED] stated, "I'm not sure who you're talking about because there were three different issues (incidents) that day when I was out at yard in the morning." Lieutenant [REDACTED] asked Inmate [REDACTED] if he observed staff utilize any type of force on the appellant. Inmate [REDACTED] replied, "No. I was playing chess with the guy. We were in a chess tournament. We had just taken a lap as staff was dealing with the first two fights. He was running his mouth, instigating the situation. I didn't want any part of that, so I just

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turned my wheelchair around and faced away. Staff did tell him to shut up, but when he wouldn't staff tried to restrain him. That is it."

Lieutenant [REDACTED] asked Inmate [REDACTED] if he observed the appellant attack staff. Inmate [REDACTED] replied, "No, staff were just trying to place him in handcuffs but he was resisting and yelling out I'm ADA, but there was not excessive force used by the staff. No punching or kicking. They were trying to put him in cuffs but he was resisting, twisting and pulling. He even threw an elbow back towards the staff as they were cuffing him up. That's it, the honest truth."

Inmate [REDACTED] Facility C Building 8 Cell [REDACTED]

Inmate [REDACTED] was interviewed on March 13, 2020, due to being a participant in recreational group therapy yard on the aforementioned date the allegations occurred, coupled with the appellant requesting Inmate [REDACTED] as a potential witness during the videotaped interview. Inmate [REDACTED] informed me he did not have knowledge of anything and did not want to be interviewed.

Inmate [REDACTED] had nothing further to add, and I had no further questions; therefore, I concluded the interview.

Inmate [REDACTED] Facility 'C' Building 8 [REDACTED]

Inmate [REDACTED] was interviewed on March 13, 2020, due to being a participant in recreational group therapy yard on the aforementioned date the allegations occurred, coupled with the appellant requesting Inmate [REDACTED] as a potential witness during the videotaped interview. Inmate [REDACTED] stated he did not have knowledge of anything and did not want to be interviewed.

Inmate [REDACTED] had nothing further to add, and I had no further questions; therefore, I concluded the interview.

Inmate [REDACTED] Facility 'C' Building 8 Cell [REDACTED]

Inmate [REDACTED] was interviewed on March 13, 2020. I chose to interview Inmate [REDACTED] due to the fact he was housed in Facility 'C' Building 8 and attended recreational group yard on the aforementioned date the allegations occurred. During the interview, I asked Inmate [REDACTED] to think back to August 27, 2019. I asked Inmate [REDACTED] if he recalled the appellant.

[REDACTED] informed me he attends yard every morning and recalled the appellant. I asked Inmate [REDACTED] if he observed the appellant involved in an incident with staff on the yard on the aforementioned date. Inmate [REDACTED] stated he thought he recalled the appellant being involved in an incident but could not remember anything due to it being a long time ago.

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Inmate [REDACTED] had nothing further to add, and I had no further questions; therefore I concluded the interview.

Inmate [REDACTED] Facility 'C' Building 8 Cell [REDACTED]

Inmate [REDACTED] was interviewed on March 13, 2020. I chose to interview Inmate [REDACTED] due to the fact he was housed in Facility 'C' Building 8 and attended recreational group yard on the aforementioned date the allegations occurred. During the interview, I asked Inmate [REDACTED] to think back to August 27, 2019. I asked Inmate [REDACTED] if he recalled the appellant and attending yard on the aforementioned date. Inmate [REDACTED] informed me, he knew of the appellant and was aware he was involved in an incident due to being rehoused in Administrative Segregation. During the interview, I asked Inmate [REDACTED] if he had observed staff utilize any unnecessary or excessive use of force on the appellant, specifically, punching and kicking. Inmate [REDACTED] stated he was in a prone position and there were a lot of incident on the day in question and was not able to observe anything regarding the incident with the appellant.

Inmate [REDACTED] had nothing further to add, and I had no further questions; therefore, I concluded the interview.

A review was completed of Crime/Incident Report Log# KVSP-FCY-19-08-0812 dated August 27, 2019, to include all 837-C Reports. All submitted 837-C reports were consistent with interviews conducted with the subjects and witnesses regarding the allegations brought forth and multiple witness interviews.

The 837-C reports were consistent with Officers D. [REDACTED] approaching the appellant on the track area near the mental health building as the appellant was walking towards an active incident while yelling at staff.

What the appellant authored within the appeal, stated on video, and informed me during the interview process was Officers [REDACTED] approaching the appellant at a table on the upper yard while playing chess. The appellant also stated, at the table is where the officers cussed him out while assaulting him and forcing him to the ground. This contradicts what was reported in the CDCR 837-C Reports coupled with interviews conducted with subjects and witnesses. Due to the appellant not being forthcoming with what was reported and evidence brought forth, this greatly decreases the appellant's credibility with the allegations made.

The appellant stated Officer [REDACTED] grabbed his head and banged his head on the ground. It was reported by Officer [REDACTED] and Sergeant [REDACTED] Officer [REDACTED] was severely injured as a result of being kicked by the appellant resulting in Officer [REDACTED] being required to leave the active incident and seek medical attention.

A CDCR 7219 Medical Report of Injury or Unusual Occurrence was completed on Officer [REDACTED] on August 27, 2019, as a result of this incident. The CDCR 7219 documented a swollen area, pain, and reddened area to the left knee area. These

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documented injuries are consistent with being struck by the appellant's cane as reported.

A CDCR 7219 Medical Report of Injury or Unusual Occurrence was completed on Officer [REDACTED] on August 27, 2019, as a result of this incident. The CDCR 7219 documented a swollen area and pain to the right hand, and a reddened area to the left elbow. These injuries are consistent with the appellant holding on to the wrist of Officer [REDACTED] while pulling his hand on his chest and falling on the officers hand resulting in Serious Bodily Injury due to sustaining a fractured right hand.

A CDCR 7219 Medical Report of Injury or Unusual Occurrence was completed on Officer [REDACTED] on August 27, 2019, as a result of this incident. The CDCR 7219 documented no injuries, however, Officer [REDACTED] was transported to the Triage and Treatment Area (TTA) and was subsequently sent to an outside medical facility for treatment as a result of this incident.

A CDCR 7219 Medical Report of Injury or Unusual Occurrence was immediately completed on the appellant on August 27, 2019, at 0822 hours documenting an abrasion/scratch to the facial area, bruising to the facial area, dried blood to the mouth, and a swollen area to the facial area.

Due to the CDCR 7219 being completed while the appellant was clothed, an additional CDCR 7219 was completed on August 27, 2019, at 0905 hours, documenting two (2) Abrasion scratch marks to the right front upper leg area, abrasion/scratch to the left and right elbow, bruise to the right side of the back, and an abrasion/scratch to the lower back area.

On August 27, 2019, a third CDCR 7219 was completed on the appellant while in ASU1 Short Term Restricted Housing documenting cuts to the right and left wrists.

The injuries sustained by the appellant are consistent with the force utilized reported by staff. Staff reported utilizing physical force to force the appellant to the ground. It was also reported while the appellant was being forced to the ground, the appellant landed on his face and chest. The incident occurred in August so it is also reasonable to believe the pavement had a large degree of heat resulting in the injuries sustained to be increased.

It was also reported, while attempting to gain control of the appellant and affect custody, the appellant continuously thrashed his upper body and kicked his legs to resist staff and continue his assaultive behavior. It is reasonable to believe the actions by the appellant resulted in injuries being self-inflicted.

The appellant had documented pain to the left lower leg area. The appellant alleged officers stepped on his legs. The pain to his left calf area is consistent with what was reported by Sergeant [REDACTED] while he was utilizing force to maintain control of the appellant's legs while the appellant was attempting to assault staff.

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I reviewed the CDCR Form 3013 Inmate Interview Worksheet authored and completed by Correctional Lieutenant [REDACTED] and the CDCR 3014 Report of Findings-Inmate Interview which was authored by Lieutenant [REDACTED]. A review of the interview, which was recorded on DVD, was conducted. Lieutenant [REDACTED] concluded there was no evidence of excessive or unnecessary use of force regarding the allegations made by the appellant. Lieutenant [REDACTED] indicated no further action recommended to which Captain [REDACTED] and Associate Warden S. Swaim concurred.

It should be noted, on September 20, 2019, a Final Review with Allegations was conducted during the Institutional Executive Review Committee (IERC) documenting the staff's actions prior and during were found in compliance. Staff's actions following were found to be out of compliance due to staff not capturing injuries on video.

It is determined, the appellant committed the act of Battery on a Peace Officer with a Weapon with Serious Bodily Injury (SBI) by striking Officer [REDACTED] with his cane. The utilization of physical force during this incident is the level of force that an objective, trained, and competent Correctional Employee, faced with similar facts and circumstances, would consider necessary and reasonable to affect custody and to gain compliance.

All use of force depicted in submitted reports appear to be within the guidelines found in the California Code of Regulations, Title 15, Crime Prevention and Corrections, Section 3268, Use of Force.

Conclusion:

There is no evidence to substantiate the appellant's allegations regarding Officers [REDACTED] and Sergeant [REDACTED] utilizing excessive/unnecessary use of force. All identified staff members mentioned in appellant's allegations were interviewed separately. All involved staff witnesses corroborate the appellant not being a victim of Unnecessary/Excessive Use of Force. Inmate witness [REDACTED] stated the allegations did not occur while playing chess at the table. Inmate [REDACTED] also did not witness the officers punching, kicking, or stepping on the appellant's legs. Inmate [REDACTED] also stated he observed the appellant attempt to batter officers with his elbow. This statement corroborates what was reported by staff. All evidence reviewed indicates staff conducting their duties in accordance with policy and procedure.

It is clear based on the information gathered; wrong doing cannot be established with regard to the appeal submitted by the appellant. The appellant's allegations against the accused staff members are just allegations. The allegations posed by the appellant cannot be proven. There is no evidence to support the appellant's claims.

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Therefore, having interviewed the identified staff members noted within this document, I have concluded there was no wrong doing in this case.

Print and sign below:

Name			<u>3-16-2020</u>
	Interviewer		Date
Name	<u>R. Gordon</u>	Sign	<u></u>
	Hiring Authority		<u>3/25/2020</u>
			Date

EXHIBIT UU

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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JOHN ARMSTRONG, et al.,

Plaintiffs,

v.

GAVIN NEWSOM, et al.,

Defendants.

Case No. C94 2307 CW

EXHIBITS D, M, N, UU, ZZ AND AAA
TO THE REPLY DECLARATION OF
ELDON VAIL IN SUPPORT OF
PLAINTIFFS' MOTION TO STOP
DEFENDANTS FROM ASSAULTING,
ABUSING AND RETALIATING
AGAINST PEOPLE WITH
DISABILITIES

Judge: Hon. Claudia Wilken
Date: October 6, 2020
Time: 2:30 p.m.
Crtrm.: Remote

Case No. C94 2307 CW

Manual Filing Notification

Regarding: Exhibit D, M, N, UU, ZZ, AAA to the Reply Declaration of Eldon Vail

This filing is in paper or physical form only, and is being maintained in the case file in the Clerk's office. If you are a participant in this case, this filing will be served in hard-copy shortly. For information on retrieving this filing directly from the court, please see the court's main web site at <http://www.cand.uscourts.gov> under Frequently Asked Questions (FAQ).

This filing was not e-filed for the following reason(s):

1. ☐ Unable to Scan Documents
2. ☐ Physical Object (please describe):
3. ☒ Non-Graphic/Text Computer File (audio, video, etc.) on CD or other media
4. ☐ Item Under Seal in Criminal Case
5. ☐ Conformance with the Judicial Conference Privacy Policy (General Order 53)
6. ☒ Other (please describe): **Exhibits D, M, N, UU, ZZ, and AAA are also being filed under seal**

DATED: September 25, 2020

Respectfully submitted,

ROSEN BIEN GALVAN & GRUNFELD LLP

By: /s/ Gay Crosthwait Grunfeld

Gay Crosthwait Grunfeld

Attorneys for Plaintiffs

EXHIBIT VV

State of California

Department of Corrections and Rehabilitation

Memorandum

Date: April 30, 2020

To: W. J. Sullivan
 Warden
 California Correctional Institution

Subject: ALLEGATIONS OF STAFF MISDCONDUCT- [REDACTED]

On January 14, 2020, I conducted an interview with Inmate [REDACTED] in regards to the allegations submitted to the Investigative Services Unit (ISU) by the Law Firm of Rosen Bien Galvan & Grunfield on behalf of [REDACTED]. The document alleges that [REDACTED] has been threatened by correctional staff at Facility B and not allowed to perform his job duties as Americans with Disabilities Act (ADA) worker. This interview was conducted in the Facility B Library in private with no other staff or inmates present.

INMATE INTERVIEW- [REDACTED]

This interview started with [REDACTED] describing his essential functions as an ADA worker and the duties he is supposed carry out on a daily bases. [REDACTED] described how he's summoned to the buildings when needed and described what his duties detail if he isn't assisting an ADA Inmate on the Facility. [REDACTED] alleges that he is rarely called to the buildings to help inmates and is never allowed to work on the yard as described in his post orders.

Inmate [REDACTED] alleged he placed a call to the above mentioned law firm and described an incident that allegedly occurred sometime in July of 2019. Inmate [REDACTED] alleged that he was summoned by Inmate [REDACTED] who is a mobility impaired inmate on the facility and after his work was complete with Inmate [REDACTED] he was returned back to his assigned housing. Sometime later he attempted to return to [REDACTED] housing unit when he was confronted by Officer [REDACTED]. [REDACTED] allegedly told [REDACTED] if he comes back there will be problems. [REDACTED] further alleges that he was told he would be beat and charged with a staff assault. [REDACTED] stated on a later date he was told to "stay the fuck out of his housing unit".

Inmate [REDACTED] alleged that on an unknown date the phones were down in his section and he was having family issues and he needed to contact an outside law firm so he asked a non-regular officer if he could use the phones in C-section, that officer stated to [REDACTED] "I'm not a regular so wait until the floor staff return and ask them". [REDACTED] alleges that he stayed in the section waiting for the officers to return to the housing unit (staff were responding to an alarm on the yard). Once staff returned [REDACTED] alleges that he was yelled at by Officer [REDACTED]. [REDACTED] alleges he asked to speak to the Sergeant and was subsequently placed in restraints and escorted to Clinic Holding and placed in a holding cell. [REDACTED] alleges during the escort Officer [REDACTED] was unprofessional and continued to yell at him. Once placed in the cell a short time later Officer [REDACTED] returned and allegedly told [REDACTED] that he had two choices, to either return back to his assigned cell or speak to the Sergeant and deal with the consequences. [REDACTED] returned back to his cell without further incident. I asked [REDACTED] if he was allowed to speak to the Sergeant about his issues and he stated no and he didn't want to push the issue and catch a staff assault. [REDACTED] alleges later in the day when other officers came on duty he was allowed to make the phone call he previously requested on second watch without an issue.

Allegations of staff misconduct

Inmate [REDACTED]

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Inmate [REDACTED] further alleges that he isn't allowed to perform his job duties on the Facility and he is rarely requested to assist inmates with ADA issues. [REDACTED] alleges for the month of January he was only used once and the most he has ever been used was during a recent lockdown where we was summoned to work a total of six times.

During the course of the interview Inmate [REDACTED] stated he has been verbally threatened with violence for attempting to conduct his job duties but he didn't report any occasion where he was assaulted by staff so no video interview was conducted. With no further relevant information to provide I concluded my interview.

INMATE INTERVIEW- [REDACTED]

On January 17, 2020, I conducted an interview with Inmate [REDACTED] in regards to staff discriminating against ADA inmates. I asked [REDACTED] if he's had any issues requesting assistance due to his ADA status, [REDACTED] stated "No". I asked [REDACTED] is he felt any type of discrimination by staff due to his ADA status, [REDACTED] stated "no". I asked [REDACTED] if he has ever been told by staff to stop faking your disability, [REDACTED] stated "no". This concluded my interview with Inmate [REDACTED]

INMATE INTERVIEW- [REDACTED]

On March 10, 2020, I conducted an interview with Inmate [REDACTED] [REDACTED] has a DNH DPP code and effective communication was established. I asked [REDACTED] if he's had any issues requesting assistance due to his ADA status, [REDACTED] stated "No I haven't had any issues so far". I asked [REDACTED] is he felt any type of discrimination by staff due to his ADA status, [REDACTED] stated "No I haven't, I pretty much do everything myself and don't need help". I asked [REDACTED] if he has ever been told by staff to stop faking your disability, [REDACTED] stated "no I haven't, staff has been descent to me and I have no issues". I asked [REDACTED] if he has ever been verbally threatened or assaulted by staff due to his ADA status, [REDACTED] stated "no I haven't had any issues with staff like that. I handle what I need to handle and I don't rely on others for assistance". This concluded my interview with Inmate [REDACTED]

INMATE INTERVIEW- [REDACTED]

On March 10, 2020, I conducted an interview with Inmate [REDACTED] [REDACTED] has a DNH DPP code and effective communication was established. I asked [REDACTED] if he's had any issues requesting assistance due to his ADA status, [REDACTED] stated "no I haven't, actually I can never recall any issue where I needed help from anybody". I asked [REDACTED] is he felt any type of discrimination by staff due to his ADA status, [REDACTED] replied "no I haven't". I asked [REDACTED] if he has ever been told by staff to stop faking your disability, [REDACTED] stated "no". I asked [REDACTED] if he knew that there were inmate workers assigned to help him in an instance where he would require help, [REDACTED] stated "I didn't know that but I don't need any help from anybody". This concluded my interview with Inmate [REDACTED]

INMATE INTERVIEW- [REDACTED]

On March 10, 2020, I attempted to interview Inmate [REDACTED] who is a member of the ADA program. Inmate [REDACTED] refused to participate in the interview and declined to exit his cell. I didn't attempt to speak to [REDACTED] at cell front in an attempt to protect the safety of [REDACTED] amongst the inmate population. The Investigative Services Unit (ISU) is easily recognizable to the inmate population and some of the inmate population could consider Inmate [REDACTED] a "snitch" if he was seen speaking to ISU.

Allegations of staff misconduct

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OPERATIONAL PROCEDURE (OP) 105 ADA INMATE ASSISTANCE

A review of OP 105 was conducted and the following are duties and responsibilities of the ADA workers on the facility.

4. Duties and Responsibilities of ADA Program Workers

- a. The ADA Program Workers shall be permitted to assist inmates in all locations in which programs, services and activities are offered, except in Administrative Segregation or Security Housing Units.
- b. The following examples of where ADA workers may guide inmates with impairments to and from:
 - 1) Education/vocational programs/work assignments (ADA workers shall not pass through security gates unless authorized).
 - 2) Classification or disciplinary hearings (ADA workers shall not attend hearings).
 - 3) Dining rooms (ADA workers may help with food trays, beverages, and seating).
 - 4) Recreational activities
 - 5) Self-Help or other support groups
 - 6) Libraries (to include Law Library). ADA workers designated at the Semi-Skilled level may remain and assist with reading and writing. They may also assist with the operation of ADA equipment with training that has been provided by the Librarian or clerk.
 - 7) Facility Canteen and/or where inmates receive their quarterly packages while under direct supervision from staff.
 - 8) Health care appointments (ADA Workers shall not remain in the room for health care appointments.)
 - 9) Visiting
- c. Additionally, ADA worker duties include, but are not limited to, the following (Administrative Segregation and Security Housing Unit are excluded):
 - 1) Assist with linen exchange
 - 2) Assist with the cleaning of cells under the direct supervision of staff.
 - 3) Assist with bed moves under the direct supervision of staff.
 - 4) ADA workers designated at the Semi-Skilled level may assist with reading and writing of correspondence, requests, forms, etc.
 - 5) Provide instruction on how to use grooming tools without actually using the tools on the inmate with the disability, or arrange for barber services by others.

Allegations of staff misconduct

Inmate [REDACTED]

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- 6) Notify inmates of staff announcements including ducat and other activity list, made via the public address system, or as directed by staff
- 7) Complete other assignments by staff including porter and laborer duties (ADA duties shall always take precedence over other assignments).

CONCLUSION

Based upon the information gathered during the interviews and the information provided by Inmate [REDACTED] and the law firm, I am unable able to substantiate the claims made by Inmate [REDACTED] at this time. The above mentioned ADA inmates who were interviewed expressed no issues between them and staff in regards to ADA issues. Inmate [REDACTED] reported issues with staff verbally threatening him however was unable to produce any witnesses that could back his claims of unprofessionalism by staff. Inmate [REDACTED] alleges that staff wouldn't allow him to fulfill his daily job obligations to include picking up trash on the yard however that duty isn't within [REDACTED] job duties per OP 105. Inmate [REDACTED] claim that staff placed in him restraints and escorted him to clinic holding for him being out of bounds in another section is within policy. ISU will continue to monitor these allegations and will apprise the hiring authority if any new and relevant information is discovered. This concludes the Investigative Services Unit's involvement in this matter at this time. Should you need any further assistance or information, please contact me at Extension 3273.

[REDACTED]
[REDACTED]
Investigative Services Unit (ISU)
California Correctional Institution

EXHIBIT WW

State of California

Department of Corrections and Rehabilitation

Memorandum

Date: May 11, 2020

To: R.C. JOHNSON
Warden
California State Prison - Los Angeles County

Subject: **ALLEGATION INQUIRY – ALLEGATIONS OF STAFF MISCONDUCT AGAINST CORRECTIONAL SERGEANT [REDACTED]**

On April 2, 2020, the California State Prison – Los Angeles County (LAC), Investigative Services Unit (ISU), received a copy of a report authored by attorneys representing the Coleman class members. The report contained fourteen individual advocacy letters on behalf of inmates housed at LAC. Specifically the Coleman class members are represented by the law firm of Rosen Bien Galvan & Grunfeld LLP (RBGG). For the purpose of this report the RBGG will be referred to as the Prison Law Office (PLO). The report contained multiple allegations of staff misconduct. Specifically, the report notes: ***“These letters describe fourteen horrifying incidents of officer brutality and abuse directed at incarcerated people with physical and mental disabilities at LAC. Most of these incidents were witnessed by other class members at LAC who—despite clear risk of retaliation—agreed to come forward and share their accounts to support efforts to end the pervasive culture of staff misconduct at LAC.”***

Based on these allegations, the PLO has requested that all of the allegations of staff misconduct are fully investigated regardless of any informal fact-finding determinations that already may have been made by the institution. Additionally the PLO has requested that the investigations include reviews of any disciplinary actions taken against prisoners alleging staff misconduct, especially those who received Rules Violation Reports (RVRs) following physical confrontations with staff.

This memorandum is being submitted to request closure to the inquiry regarding the following subject(s) / allegation(s):

- [REDACTED] alleges on November 20, 2019, Sergeant (Sgt.) [REDACTED] stated to him, “Those are my officers you’re talking about, watch your mouth,” when [REDACTED] made a complaint in regards to Facility C staff
- [REDACTED] alleges Sgt. [REDACTED] stated, “This interview is over. Watch your fucking mouth.”
- [REDACTED] alleges as he stood up to leave the room, Sergeant [REDACTED] rose with him and suddenly struck him in the face with a closed fist. Startled, Mr. [REDACTED] reflexively pushed Sergeant [REDACTED] backwards with a closed fist.

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Inquiry into allegations of staff misconduct against Sergeant [REDACTED]

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- [REDACTED] alleges multiple officers ran into the room at once, so he dropped to the ground and lay prone with his arms behind him. The officers kned [REDACTED] in the back and in the face while they placed him in handcuffs.
- [REDACTED] alleges he showed the nurse his fresh injuries, including bruising on his knees, back, and tailbone and an abrasion on his left elbow, the nurse documented that his injuries were not sustained from the incident, recording instead that they were old injuries.
- [REDACTED] alleges he told the ASU Captain that he was feeling suicidal due to the incident. Shortly thereafter, another member of the nursing staff walked in to interview him about his reported suicidality. Despite his report, Mr. [REDACTED] was not referred to a crisis bed unit.
- [REDACTED] alleges after this evaluation, a Sergeant and a Lieutenant conducted an excessive force interview with Mr. [REDACTED]. This interview lasted approximately five minutes and consisted only of Mr. [REDACTED] giving a brief account of the incident. The officers only asked one question – "Do you have any witnesses?" before terminating the interview.
- [REDACTED] alleges he was interviewed in regards to an appeal he filed relative to the incident. This interview was similarly brief. Like the other officers, Lieutenant Johnson asked few questions and smirked, shaking his head, after Mr. [REDACTED] alleged that Sergeant [REDACTED] had struck him with no provocation.
- [REDACTED] alleges at the RVR hearing, the Senior Hearing Officer, Lieutenant [REDACTED] found Mr. [REDACTED] guilty because the incident was "Your word against the word of the officer."

Notification of Allegation:

It should be noted on December 2, 2019, the LAC, Inmate Appeals Office (IAO) received a CDCR 602 Appeal from Inmate [REDACTED] containing allegations of staff misconduct. The appeal was assigned log number LAC-C-19-06049.

CDCR Crime/ Incident Report Log #LAC-CPG-19-11-1027 (Attachment 01)

On December 3, 2019, Correctional Lieutenant (Lt.) C. [REDACTED] completed incident report #LAC-CPG-19-11-1027, documenting Inmate [REDACTED] committing the act of Battery on a Peace Officer resulting in the Use of Force. All part C reports submitted for the incident described the force used, the forced observed and the need for the amount of force used on [REDACTED]

I conducted a review of incident log # LAC-CPG-19-11-1027. In review of all reports relative to the incident, it is apparent staff's actions prior, during, and after the use of force were in compliance with the current Department use of force policy, procedures,

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Inquiry into allegations of staff misconduct against Sergeant [REDACTED]

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and training. Reports reviewed in regards to the incident indicate [REDACTED] physically battered Correctional Sergeant (Sgt.) [REDACTED] during an interview in the Facility C Program Office. Staff utilized immediate, physical force to subdue his attack, effect custody, and gain compliance with officers' lawful orders. The relationship between the need for force and the amount of force used was commensurate with what the use of force policy deems as appropriate and reasonable. It should be noted multiple staff received injuries as a direct result of [REDACTED] actions. This incident was reviewed at the Incident Commanders level, First Level Manager, and Second Level Manager. This incident was further reviewed by the Institutional Executive Review Committee (IERC) and closed on December 11, 2019, noting no further action warranted. All levels of review indicate staff's actions prior, during, and after the use of force were in compliance with the current department use of force policy, procedures, and training.

Investigator's Note: In my review of incident log #LAC-CPG-19-11-1027, I discovered a CDCR 837 Part C report, authored by Captain [REDACTED]. In his report, Captain Miller documents an interview he conducted with Inmate [REDACTED] subsequent to the incident. According to Captain [REDACTED] stated the following, "Hey, you are a white man. Are we going to handle this like men or handle it like bitches? You can make this go away. You can send me back to my cell and it's over. If you are going to be bitches about, I am going to do what I have to do." According to Captain [REDACTED] he informed [REDACTED] he was going to be rehoused in Administrative Segregation. Captain [REDACTED] reports [REDACTED] replied with the following: "So you wanna be a bitch about it? Where is the nurse? I am going to tell her your staff attacked me." Captain [REDACTED] report indicates [REDACTED] was attempting to manipulate his housing change. Although not proven, it is reasonable to conclude [REDACTED] fabricated his allegation after he was informed he was going to be rehoused in Administrative Segregation.

CDCR 7219 Medical Report of Injury or Unusual Occurrence (Attachment 02)

I conducted a review of the CDCR 7219 Report of Injury or Unusual Occurrence completed on [REDACTED] on the date of the incident. The CDCR 7219 notes injuries sustained by [REDACTED] on the date of the incident which are consistent with the force utilized.

CDCR 3014 Report of Findings relevant to LAC-CPG-19-11-1027 (Attachment 03)

On November 20, 2019, Sgt. [REDACTED] conducted an interview with Inmate [REDACTED] relevant to an allegation of Unnecessary and Excessive force used on him during incident LAC-CPG-19-11-1027 on November 20, 2019. Sgt. [REDACTED] noted the following information in his CDCR 3014 Report of Findings (ROF) as a summary of statements made by [REDACTED] during his allegation interview:

"Inmate [REDACTED] stated he was called to the Facility C Program Office by ISU Sgt. [REDACTED] for the purpose of an interview. Inmate [REDACTED] claims he did not know what the meeting was about and began addressing several unrelated issues. Inmate [REDACTED] said at that point Sgt. [REDACTED] informed him the meeting

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Inquiry into allegations of staff misconduct against Sergeant [REDACTED]

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was over. Inmate [REDACTED] claims he got up to leave the Sgt. attacked him and multiple other officers came in and also attacked him."

Sgt. [REDACTED] concluded the following in his ROF in regards to [REDACTED] allegation:

A review of the 7219 indicated the cut to Inmate [REDACTED] right bicep area is an old injury. The injury is clearly captured on the videotaped interview. It appears the injury is properly documented by medical personnel. The remaining injuries listed, abrasion/scratch to the right knee and lower back and the dried blood to the right knee are consistent with injuries resulting from the use of physical force.

Investigators Note: The PLO notes the videotaped interview lasted approximately five minutes and consisted only of [REDACTED] giving a brief account of the incident. It should be noted the videotaped interview was conducted pursuant to established policies and procedures. [REDACTED] was given the opportunity to describe his accounts of the incident. There is no established timeframe for how long the interview should last. It was noted [REDACTED] was not asked if he sustained any other injuries during the interview. This issue was addressed and the interviewing supervisor was given documented training. This, however, does not provide evidence of staff misconduct.

Rules Violation Report (RVR) Log #6934612 (Attachment 04)

I conducted a review of RVR Log #6934612 issued to [REDACTED] for the specific act of Battery on a Peace Officer. In the RVR, Sgt. [REDACTED] documents [REDACTED] actions requiring immediate force to stop his attack and active physical resistance. Sgt. [REDACTED] notes he was attempting to conduct an interview with [REDACTED] due to allegations of staff misconduct. The RVR notes [REDACTED] became argumentative and was attempting to discuss unrelated issues with Sgt. [REDACTED]. Sgt. [REDACTED] notes he attempted to deescalate the situation by concluding the interview and informed [REDACTED] he would address the allegations at a later time. According to the RVR, [REDACTED] aggressively stood up and pushed his chair towards Sgt. [REDACTED]. The RVR notes Sgt. [REDACTED] immediately stood up from his chair and [REDACTED] lunged towards him, striking him in the left side of the neck with his fist. Sgt. [REDACTED] notes he utilized immediate physical force to stop [REDACTED] attack. Sgt. [REDACTED] notes he was able to take [REDACTED] down to the ground. Sgt. [REDACTED] notes responding staff arrived and utilized physical force on [REDACTED] to subdue his active physical resistance.

RVR Supplemental Report Authored by Officer J. [REDACTED] (Attachment 05)

I conducted a review on a supplemental report to RVR Log #6934612, authored by Officer J. [REDACTED]. In the report, Aparicio notes he served Inmate [REDACTED] with his initial copy of RVR Log #6934612, on November 24, 2019, while [REDACTED] was housed in the Administrative Segregation Unit (ASU). According to [REDACTED] during his encounter with [REDACTED] he asked [REDACTED] questions in regards to his request for an Investigative

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Inquiry into allegations of staff misconduct against Sergeant [REDACTED]

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Employee (IE) for the RVR process. [REDACTED] notes [REDACTED] made the following spontaneous statement during their conversation: ***"That's why I fucked your bitch ass sergeant up. I want out of this prison and now I can leave. You're all pussies. I knocked his big ass down with one punch. He's lucky officers responded before he got stomped on. Even those bitches were scared because they didn't do shit."*** According to [REDACTED] [REDACTED] began to laugh after making the aforementioned statements.

*Investigator's Note: Officer [REDACTED] RVR supplemental report indicates [REDACTED] willfully confessed to have battered Sgt. [REDACTED]. It is noted in the report, Aparicio confirms [REDACTED] statements were unsolicited as he made them spontaneously. In the report, [REDACTED] notes he asked [REDACTED] the reason for requesting an IE as he had just confessed to battering Sgt. [REDACTED]. According to Aparicio, [REDACTED] replied, ***"Because that's my due process right bitch. You want me to fuck you up too? Open this fucken door and I'll fuck you up like I fucked his week as up."*** The information provided by [REDACTED] in the report directly refutes [REDACTED] allegation that he was assaulted by Sgt. [REDACTED]. The information provided by [REDACTED] indicates [REDACTED] boasts about battering Sgt. [REDACTED].*

Appeal #LAC-C-19-06049: (Attachment 06)

I conducted a review of Inmate Appeal log #LAC-C-19-060049 authored by Inmate [REDACTED]. The appeal was assigned to Lt. [REDACTED] for response. In this appeal, [REDACTED] makes allegations of unnecessary force against Sgt. [REDACTED]. In the appeal, [REDACTED] alleges he was assaulted by Sgt. [REDACTED]. [REDACTED] appeal response documents interviews with multiple staff and [REDACTED] as well. Lt. [REDACTED] concludes the following in his review of the allegation.

The interviews, the CDCR Form 602 Log# LAC-C-19-06049, Strategic Offender Management System (SOMS) - disciplinary history, medical records and thoroughly reviewed the CDCR-837 Packet were in regards to the Appellant's allegation. The result of this inquiry finds insufficient evidence to support the Appellant's allegation. It appears this matter does not warrant any further investigation as there is no evidence to support the Appellant's allegation of staff misconduct.

Contact with Mental Health Staff at LAC

On May 5, 2020, I contacted LAC Chief Psychologist, Dr. A. Topchyan, and inquired as to [REDACTED] claim that he reported he was suicidal on November 20, 2019. According to the PLO report, [REDACTED] was not referred to a crisis bed unit. According to Dr. Topchyan, [REDACTED] was evaluated on November 20, 2019, and he did not meet the criteria for a higher level of care. Dr. Topchyan mentioned [REDACTED] was evaluated again on November 21, 2019, and he did not meet the criteria for referral to a higher level of care.

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Investigator's Note: The information provided via the PLO report insinuates [REDACTED] suicidal claim was ignored. However, information provided by mental health staff at LAC indicates [REDACTED] was evaluated on the date of the incident and the day after. Both evaluations completed on [REDACTED] deemed he did not meet the criteria for a higher level of care. It is evident [REDACTED] concerns were not ignored.

Inmate Interviews:

Interview with Inmate [REDACTED]

On May 6, 2020, I conducted an interview with [REDACTED] in regards to his allegations. For a complete detailed account of the interview you may review the audio recording (**Attachment 07 Audio CD titled Inmate Interview**). As the interview commenced, I asked [REDACTED] to describe the events of November 20, 2019, which led to his allegations. According to [REDACTED] on the date of the incident, he was performing his duties as a Housing Unit porter in Housing Unit C2. According to [REDACTED] his building officers informed him that he had a meeting in the Facility C Program Office with a Sergeant. [REDACTED] stated he proceeded to the Facility C Program Officer. [REDACTED] stated as he observed approximately ten to seventeen officers sitting in line outside of the program office area. According to [REDACTED] this was peculiar to him. [REDACTED] stated he entered the program office and he discovered Sgt. [REDACTED] was there to interview him in regards to allegations of staff misconduct. [REDACTED] mentioned he asked Sgt. [REDACTED] if they could discuss issues on Facility C involving the use on unnecessary force. According to [REDACTED] Sgt. [REDACTED] agreed to discuss [REDACTED] concerns. [REDACTED] then stated he began to report an incident which occurred the day prior involving the use of excessive force by staff on Facility C. According to [REDACTED] Sgt. [REDACTED] started getting upset. [REDACTED] stated, **"At some point during my allegations, he said, 'You might want to be careful. Those are some personal friends of mine that you're talking about.'"** [REDACTED] stated he asked Sgt. [REDACTED] if his responsibility was to investigate staff misconduct or to build friendships with staff. [REDACTED] noted his comments angered Sgt. [REDACTED] and he ordered [REDACTED] to leave the office. [REDACTED] stated, **"At that point, he became visibly upset. He said, 'Hey this interview is over. Get the fuck out of here.'"** [REDACTED] stated he then asked Sgt. [REDACTED] they could continue with the interview and discuss the purpose for Sgt. [REDACTED] inquiry. According to [REDACTED] Sgt. [REDACTED] refused and again ordered [REDACTED] to leave the office. [REDACTED] stated Sgt. [REDACTED] then stood up from his chair. [REDACTED] stated, **"I could see he was visibly upset, so I stood up and um, took one step backwards. The doorway was right here. As I put my left foot backwards, I'm looking at him because I could see how mad he is. When I stepped back, he stepped forward and swung his right arm and hit me with an arm bar; kind of like uh, his forearm inner elbow area. He took one step forward and swung and hit me right here in the neck."** [REDACTED] pointed to his left neck area. [REDACTED] continued detailing the incident by stating, **"I fell back in to the wall and I put both hands out in a defensive posture. I pushed forward against his chest area. He had is vest on with all of his ISU gear. I pushed forward to get him off me. I landed against the wall and pushed forward. We both fell backwards over and landed on the ground between the desk and the locker."** According to [REDACTED] he

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Inquiry into allegations of staff misconduct against Sergeant [REDACTED]

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heard responding staff arriving to the incident site. [REDACTED] stated he then assumed a prone position, on his stomach and he put both of his hands behind his back. [REDACTED] stated staff utilized unnecessary force to place him in restraints. As the interview continued, I asked [REDACTED] to describe the force utilized on him while he was being placed in restraints. [REDACTED] replied, **"Knees, and uh, I can't tell what parts of the body because I'm facing down with my head towards the floor. But uh, it felt like knees and elbows and feet stepping on the back of my calves. Maybe it was knee caps."** I asked [REDACTED] if staff placed him in leg restraints. [REDACTED] answered, **"I'm not sure. I believe they may have but I'm really not one hundred percent sure."** According to [REDACTED] he was then escorted to the Facility C gym where he was placed in a holding cell. [REDACTED] stated he showed the nurse who conducted a medical evaluation of him, what he claimed to be a fresh injury to his right arm. [REDACTED] stated the nurse documented it as an old injury on the CDCR 7219. According to [REDACTED] he spoke with the Facility C Captain while he was inside the holding cell. I asked [REDACTED] to explain the details of his conversation with the Captain. [REDACTED] stated he asked the Captain if he was going to be charged with resisting or for a battery. According to [REDACTED] the Captain informed him he was going to be re-housed in Administrative Segregation for the charge of battery on staff.

Investigator's Note: Information provided by [REDACTED] during my interview contained inconsistencies, specifically with information he provided in the past in regards to the incident in question. For instance during my interview, [REDACTED] alleges Sgt. [REDACTED] agreed with him to discuss issues that were unrelated to Sarmiento's interview. However, during the videotaped interview of [REDACTED] he states he began to immediately discuss the unrelated issues with [REDACTED]. This statement indicates [REDACTED] did not agree to discuss those issues. It should be noted, in the videotaped interview, [REDACTED] claims he was not sure what [REDACTED] was going to interview him about. However, according to the PLO report, [REDACTED] states he was informed by Sgt. [REDACTED] the purpose of their interview was to discuss a Prison Rape Elimination Act (PREA) complaint that [REDACTED] filed. It is noted the PLO report documents [REDACTED] accounts of the incident as reported by him to the PLO. Additionally, the PLO report indicates [REDACTED] stated Sgt. [REDACTED] struck [REDACTED] in the face with a closed fist. However, during his videotaped interview, [REDACTED] claims Sgt. [REDACTED] placed him in a head lock. [REDACTED] does not allege Sgt. [REDACTED] struck him with a closed fist. During my interview, [REDACTED] describes his actions as compliant and passive. [REDACTED] claims he was following all of staff's orders without any resistance. However, multiple staff reports indicate [REDACTED] was extremely violent during the incident.

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Inquiry into allegations of staff misconduct against Sergeant [REDACTED]

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CONCLUSION

Based on the information obtained during this inquiry and multiple inconsistencies with [REDACTED] accounts of the incident in question, it is evident [REDACTED] allegations to the PLO are over embellished and fabricated. Based on the information obtained during this inquiry, the lack of corroborating evidence, it is evident [REDACTED] allegations of excessive force have no merit and are being driven by him not wanting to be held accountable for his actions, specifically, committing the act of Battery on a Peace Officer. A review of all documents relative to the incident in question indicate staff's actions prior, during, and following the use of force were in compliance with the current Department use of force policy, procedures, and training. The relationship between the need for force and the amount of force used was commensurate with what the use of force policy deems as appropriate and reasonable. It should be noted [REDACTED] has exhibited an extensive pattern of violence against staff while confined within CDCR. Information reviewed during this inquiry ascertains [REDACTED] willfully committed the act of Battery on a Peace Officer. Moreover, [REDACTED] was the aggressor and not the victim he claims to be. It is noted multiple staff received injuries due to [REDACTED] violent actions.

Based on totality of the circumstances, the preponderance of evidence and the information reviewed during this inquiry I find that the allegations and incident described herein lacks cause for further investigation.

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Inquiry into allegations of staff misconduct against Sergeant [REDACTED]

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RECOMMENDATION:

I recommend closure at this level of review based on my conclusion that the allegations and incident described herein lacks cause for further investigation and are deemed to be **Not Sustained**.

This concludes the Investigative Services Unit interest in this matter; however, if additional information creates new probable cause, additional inquiries may be initiated.

This report is being submitted for your information and disposition. Should you have any questions or concerns please contact me at extension 5141.



California State Prison – Los Angeles County

Please Check Box

☒ Concur with ISU Recommendation	☐ Disagree with ISU Recommendation
☐ Request Additional Information	☐ Prepare CDCR 989
Comments:	



R.C. JOHNSON

Warden

California State Prison – Los Angeles County

5/13/2020
DATE

EXHIBIT XX

Filed Under Seal

EXHIBIT YY

Filed Under Seal

EXHIBIT ZZ

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JOHN ARMSTRONG, et al.,

Plaintiffs,

v.

GAVIN NEWSOM, et al.,

Defendants.

Case No. C94 2307 CW

EXHIBITS D, M, N, UU, ZZ AND AAA
TO THE REPLY DECLARATION OF
ELDON VAIL IN SUPPORT OF
PLAINTIFFS' MOTION TO STOP
DEFENDANTS FROM ASSAULTING,
ABUSING AND RETALIATING
AGAINST PEOPLE WITH
DISABILITIES

Judge: Hon. Claudia Wilken
Date: October 6, 2020
Time: 2:30 p.m.
Crtrm.: Remote

Case No. C94 2307 CW

Manual Filing Notification

Regarding: Exhibit D, M, N, UU, ZZ, AAA to the Reply Declaration of Eldon Vail

This filing is in paper or physical form only, and is being maintained in the case file in the Clerk's office. If you are a participant in this case, this filing will be served in hard-copy shortly. For information on retrieving this filing directly from the court, please see the court's main web site at <http://www.cand.uscourts.gov> under Frequently Asked Questions (FAQ).

This filing was not e-filed for the following reason(s):

1. ☐ Unable to Scan Documents
2. ☐ Physical Object (please describe):
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4. ☐ Item Under Seal in Criminal Case
5. ☐ Conformance with the Judicial Conference Privacy Policy (General Order 53)
6. ☒ Other (please describe): **Exhibits D, M, N, UU, ZZ, and AAA are also being filed under seal**

DATED: September 25, 2020

Respectfully submitted,

ROSEN BIEN GALVAN & GRUNFELD LLP

By: /s/ Gay Crosthwait Grunfeld

Gay Crosthwait Grunfeld

Attorneys for Plaintiffs

EXHIBIT AAA

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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

JOHN ARMSTRONG, et al.,

Plaintiffs,

v.

GAVIN NEWSOM, et al.,

Defendants.

Case No. C94 2307 CW

EXHIBITS D, M, N, UU, ZZ AND AAA
TO THE REPLY DECLARATION OF
ELDON VAIL IN SUPPORT OF
PLAINTIFFS' MOTION TO STOP
DEFENDANTS FROM ASSAULTING,
ABUSING AND RETALIATING
AGAINST PEOPLE WITH
DISABILITIES

Judge: Hon. Claudia Wilken
Date: October 6, 2020
Time: 2:30 p.m.
Crtrm.: Remote

Case No. C94 2307 CW

Manual Filing Notification

Regarding: Exhibit D, M, N, UU, ZZ, AAA to the Reply Declaration of Eldon Vail

This filing is in paper or physical form only, and is being maintained in the case file in the Clerk's office. If you are a participant in this case, this filing will be served in hard-copy shortly. For information on retrieving this filing directly from the court, please see the court's main web site at <http://www.cand.uscourts.gov> under Frequently Asked Questions (FAQ).

This filing was not e-filed for the following reason(s):

1. ☐ Unable to Scan Documents
2. ☐ Physical Object (please describe):
3. ☒ Non-Graphic/Text Computer File (audio, video, etc.) on CD or other media
4. ☐ Item Under Seal in Criminal Case
5. ☐ Conformance with the Judicial Conference Privacy Policy (General Order 53)
6. ☒ Other (please describe): **Exhibits D, M, N, UU, ZZ, and AAA are also being filed under seal**

DATED: September 25, 2020

Respectfully submitted,

ROSEN BIEN GALVAN & GRUNFELD LLP

By: /s/ Gay Crosthwait Grunfeld

Gay Crosthwait Grunfeld

Attorneys for Plaintiffs

EXHIBIT BBB

Filed Under Seal

EXHIBIT CCC

Filed Under Seal

EXHIBIT DDD

STATE OF CALIFORNIA
INMATE/PAROLEE APPEAL
CDCR 602 (REV. 03/12)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Side 1

IAB USE ONLY

Institution/Parole Region:

Log #:

Category:

LAC-D

17-03308

7

FOR STAFF USE ONLY

You may appeal any California Department of Corrections and Rehabilitation (CDCR) decision, action, condition, policy or regulation that has a material adverse effect upon your welfare and for which there is no other prescribed method of departmental review/remedy available. See California Code of Regulations (CCR), Title 15, Section 3084.1. You must send this appeal and any supporting documents to the Appeals Coordinator (AC) within 30 calendar days of the event that led to the filing of this appeal. If additional space is needed, only one CDCR Form 602-A will be accepted. Refer to CCR 3084 for further guidance with the appeal process. No reprisals will be taken for using the appeal process.

Appeal is subject to rejection if one row of text per line is exceeded.

WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First):

CDCR:

Unit/Cell Number:

Assignment:

State briefly the subject of your appeal (Example: damaged TV, job removal, etc.):

Staff Complaint Retaliation = U.I.O.F. failure to supervise.

A. Explain your issue (If you need more space, use Section A of the CDCR 602-A):

By C/Os [redacted] and C/O [redacted] on 7/1/17, [redacted] failed to stop the assault as he stood and watched. The aforementioned

B. Action requested (If you need more space, use Section B of the CDCR 602-A):

To be removed from LAC due to the continuous Retaliation, Physical Abuse and the Threat to my safety by the Correctional officers at LAC. To have this

Supporting Documents: Refer to CCR 3084.3.

☐ Yes, I have attached supporting documents.

List supporting documents attached (e.g., CDC 1083, Inmate Property Inventory; CDC 128-G, Classification Chrono):

DUPP: [redacted]

☒ No, I have not attached any supporting documents. Reason:

N/A

Inmate/Parolee Sign:

☐ By place

Date Submitted:

7/4/17

ht to receive an interview.

C. First Level - Staff

This appeal has been:

☐ Bypassed at the First Level of Review. Go to Section E.☐ Rejected (See attached letter for instruction) Date:☐ Cancelled (See attached letter) Date:☐ Accepted at the First Level of Review.

Assigned to:

First Level Responder: Complete a First Level response. Include interviewer's name, title, interview date, location, and complete the section below.

Date of Interview:

Date:

Date:

Date:

Your appeal issue is: ☐ Granted ☐ Granted in Part ☐ Denied ☐ Other:

See attached letter. If dissatisfied with First Level response, complete Section D.

Interviewer:

(Print Name)

Title:

Signature:

Date completed:

Reviewer:

(Print Name)

Title:

Signature:

Date received by AC:

Staff - Check One: Is CDCR 602-A Attached? ☐ Yes ☐ No

BYPASS

AC Use Only

Date mailed/delivered to appellant: ____/____/____

JUL 06 2017

STAFF USE ONLY

STATE OF CALIFORNIA
INMATE/PAROLEE APPEAL
CDCR 602 (REV. 03/12)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Side 2

D. If you are dissatisfied with the First Level response, explain the reason below, attach supporting documents and submit to the Appeals Coordinator for processing within 30 calendar days of receipt of response. If you need more space, use Section D of the CDCR 602-A.

BYPASS

Inmate/Parolee Signature: _____

Date Submitted: _____

E. Second Level - Staff Use Only

Staff - Check One: Is CDCR 602-A Attached? ☐ Yes ☐ No

This appeal has been:

☐ By-passed at Second Level of Review. Go to Section G.

☐ Rejected (See attached letter for instruction) Date: _____ Date: _____ Date: _____

☐ Cancelled (See attached letter)

☒ Accepted at the Second Level of Review

Assigned to: PH Title: AW Date Assigned: 9/11/17 Date Due: 8/17/17

Second Level Responder: Complete a Second Level response. If an interview at the Second Level is necessary, include interviewer's name and title, interview date and location, and complete the section below.

Date of Interview: 9/21/17

Interview Location: Via Telephone I/A is located

Your appeal issue is: ☐ Granted ☒ Granted in Part ☐ Denied ☐ Other: @ CME

See attached letter. If dissatisfied with Second Level response, complete Section F below.

Interviewer: K. Craves Title: LT Signature: [Signature] Date completed: 9/21/17

Reviewer: Debbie Asuncion, Warden Title: Warden Signature: [Signature]

Date received by AC: OCT 18 2017

AC Use Only
Date mailed/delivered to appellant OCT 18 2017

F. If you are dissatisfied with the Second Level response, explain reason below; attach supporting documents and submit by mail for Third Level Review. It must be received within 30 calendar days of receipt of prior response. Mail to: Chief, Inmate Appeals Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001. If you need more space, use Section F of the CDCR 602-A.

Inmate/Parolee Signature: _____

Date Submitted: _____

G. Third Level - Staff Use Only

This appeal has been:

☐ Rejected (See attached letter for instruction) Date: _____ Date: _____ Date: _____

☐ Cancelled (See attached letter) Date: _____

☐ Accepted at the Third Level of Review. Your appeal issue is ☐ Granted ☐ Granted in Part ☐ Denied ☐ Other: _____

See attached Third Level response.

Third Level Use Only
Date mailed/delivered to appellant / /

H. Request to Withdraw Appeal: I request that this appeal be withdrawn from further review because: State reason. (If withdrawal is conditional, list conditions.)

Inmate/Parolee Signature: _____

Date: _____

Print Staff Name: _____

Title: _____ Signature: _____

Date: _____

STATE OF CALIFORNIA
INMATE/PAROLEE APPEAL FORM ATTACHMENT
CDCR 602-A (REV. 03/12)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Side 1

IAB USE ONLY

Institution/Parole Region:

Log #:

Category:

LAC-D

17-03308

7

FOR STAFF USE ONLY

Attach this form to the CDCR 602, only if more space is needed. Only one CDCR 602-A may be used.

Appeal is subject to rejection if one row of text per line is exceeded. WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name:

CDCR #:

Inmate/Cell Number:

Assignment:

A. Continuation of CDCR 602, Section A only (Explain your issue):

Officers used Mechanical Restraints (Triangle) as a means to inflict severe pain to get me to relinquish the waist chains which I had my hand pent and could not do so which resulted in me going to Palmdale Hospital and being treated for a severe spine/cracked bone.

I was being denied my NDS phone call and wanted to speak to a Sgt But was ignored because suicidal but was ignored by C/O mentioned above.

When C/O [redacted] and C/O [redacted] came to my door they put the Triangle on I ask to speak with the Sgt. I was then told "NO" I let the C/Os know I didn't want to come out until I do. The 2 C/Os immediately started violently pulling the Triangle together. The button was pushed sending staff (LEE) joined in with another C/O and they violently pulled causing permanent damage to my wrist in front of Sgt Perez.

Inmate/Parolee Signature:

Date Submitted:

7/4/17

B. Continuation of CDCR 602, Section B only (Action requested):

matter (as it bears the third incident where I've been hurt and no C/Os being hurt at all. Be investigated by internal Affairs and outside unbiased Agency.

To be free from C/Os using Mechanical Restraints to inflict pain on EOP/T/Ms without a mental Health staff intervention first.

This is policy, And it needs to be enforced by SPLAC Administration

STAFF USE ONLY
JUL 06 2017

Inmate/Parolee Sig:

Date Submitted:

7/4/17



STATE OF CALIFORNIA
INMATE/PAROLEE APPEAL FORM ATTACHMENT
CDCR 602-A (REV. 03/12)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Side 2

D. Continuation of CDCR 602, Section D only (Dissatisfied with First Level response):

Inmate/Parolee Signature: _____

Date Submitted: _____

F. Continuation of CDCR 602, Section F only (Dissatisfied with Second Level response):

Inmate/Parolee Signature: _____

Date Submitted: _____

EXHIBIT EEE

Filed Under Seal

EXHIBIT FFF

Filed Under Seal

EXHIBIT GGG

State of California

Department of Corrections and Rehabilitation

Memorandum

Date: June 17, 2020

To: R.C. JOHNSON
Warden
California State Prison - Los Angeles County



Subject: **ALLEGATION INQUIRY – ALLEGATIONS OF STAFF MISCONDUCT/EXCESSIVE FORCE MADE BY INMATE [REDACTED]**

On April 2, 2020, the California State Prison – Los Angeles County (LAC), Investigative Services Unit (ISU), received a copy of a report authored by attorneys representing the Coleman class members. The report contained fourteen individual advocacy letters on behalf of inmates housed at LAC. Specifically the Coleman class members are represented by the law firm of Rosen Bien Galvan & Grunfeld LLP (RBGG). For the purpose of this report the RBGG will be referred to as the Prison Law Office (PLO). The report contained multiple allegations of staff misconduct. Specifically, the report notes: ***“These letters describe fourteen horrifying incidents of officer brutality and abuse directed at incarcerated people with physical and mental disabilities at LAC. Most of these incidents were witnessed by other class members at LAC who—despite clear risk of retaliation—agreed to come forward and share their accounts to support efforts to end the pervasive culture of staff misconduct at LAC.”***

Based on these allegations the PLO has requested that all the allegations of staff misconduct are fully investigated regardless of any informal fact-finding determinations that already may have been made by the institution. Additionally the PLO has requested that the investigations include reviews of any disciplinary actions taken against prisoners alleging staff misconduct, especially those who received Rules Violation Reports (RVRs) following physical confrontations with staff.

This memorandum is being submitted to request closure to the inquiry regarding the following subject(s) / allegation(s) 193-195:

- **Allegation #193.** Inmate [REDACTED] reported that on August 7, 2019, at the California State Prison-Los Angeles County (LAC), Facility ‘D’, Housing Unit D-3, he went over to first watch D-Yard, Building 3 Officer [REDACTED] who was near the podium on the dayroom floor, and asked for a shower. [REDACTED] also told Officer [REDACTED] that multiple supervisory staff had approved his previous requests for extra showers. Officer [REDACTED] replied “This is my house. I don’t give a fuck what the Lieutenant or Sergeant say. I run this shit over here. You’ll be lucky to get a shower over here when I let you out.” [REDACTED] reasserted his need for a shower and extra sheets due to his incontinence, but Officer [REDACTED] still refused [REDACTED] accommodation requests and told him to go back to his cell.

June 17, 2020

Inquiry into allegations of staff misconduct by Inmate [REDACTED]

Page 2 of 9

- **Allegation #194.** [REDACTED], reported that on August 7, 2019, at the California State Prison-Los Angeles County (LAC), Facility 'D', Housing Unit D-3, Officer [REDACTED] then came up to [REDACTED] and dumped him out of his wheelchair onto the ground. The officer then dragged him out onto the dayroom floor, put a knee into his back, and cuffed him up.
- **Allegation #195.** Inmate [REDACTED] reported that on August 7, 2019, at the California State Prison-Los Angeles County (LAC), Facility 'D', Housing Unit D-3, The nursing staff member who evaluated him only marked down that he had no injuries to his face or head and refused to note the scrapes on his legs and knees from being dumped out of his wheelchair.

Notification of Allegation:

The initial notification dated March 27, 2020, of staff misconduct allegation of unnecessary/excessive force was submitted by [REDACTED] to the PLO who subsequently assigned an inquiry to the LAC Investigative Services Unit (ISU).

Response to Allegation (s) #193-195:

Inmate Interviews:

Interview with Inmate [REDACTED] (KVSP [REDACTED]):

On June 10, 2020, while assigned as California State Prison-Los Angeles County (LAC) Special Assignment Sergeant, I (Sgt. [REDACTED]) conducted a telephonic interview with Inmate [REDACTED] in regards to the allegations he made to the PLO that excessive force was used against him by Facility 'D' Correctional staff on August 7, 2019. At the time that the allegation occurred on August 7, 2019, Inmate [REDACTED] was housed on LAC Facility 'D', Housing Unit D-3, [REDACTED] was interviewed telephonically as he is currently housed at Kern Valley State Prison (KVSP) Facility 'D'. [REDACTED] originally refused to be interviewed and stated that he wanted to have his attorney present as he has filed a lawsuit in regards to this inquiry. [REDACTED] then agreed to be interviewed but did not want the interview recorded without an attorney present. [REDACTED] stated that on August 7, 2019, he spilled urine from his catheter on himself and his cell floor and requested to take a shower. [REDACTED] stated that he did receive a shower however, when he finished, he requested cleaning supplies to clean his cell. [REDACTED] stated that Officer [REDACTED] refused to give him cleaning supplies and stated to [REDACTED], "This is your mess, you made it you clean it." [REDACTED] stated that he then told Officer [REDACTED] that the Facility 'D' Sergeant stated that he is supposed to get extra showers and cleaning supplies due to his incontinence. [REDACTED] stated that Officer [REDACTED] then stated, "I don't give a fuck what the Sergeant said, I run this Building and you'll be lucky to get a shower when I'm here."

June 17, 2020

Inquiry into allegations of staff misconduct by Inmate [REDACTED]

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[REDACTED] stated that Officer [REDACTED] then approached him from behind and lifted the handles of his wheelchair forcing him to fall to the ground injuring his back. Once on the ground, [REDACTED] stated that Officer [REDACTED] put his knee on the middle of his back causing him pain as he was put into handcuffs. [REDACTED] stated that he was then placed back into his wheelchair as he was screaming in pain and escorted to Facility 'D' Medical. [REDACTED] stated that the force used by Officer [REDACTED] was unnecessary and excessive and that he still suffers from back pain as a result of the incident. The incident occurred at the cell front of [REDACTED] had nothing further to add to the interview.

Investigators Note: Although [REDACTED] alleges that he was assaulted by Officer [REDACTED] causing injuries to his knees and back, the injuries noted on the 7219 dated August 7, 2019, are inconsistent with his claims. There are no noted injuries by Medical staff to the knees or back to support this allegation. Additionally, [REDACTED] did not admit or even mention throwing the bag of soiled diapers that struck Officer [REDACTED] which is what initiated the incident.

Interview with Inmate [REDACTED] Attachment 1)

On June 11, 2020, while assigned as California State Prison-Los Angeles County (LAC) Special Assignment Sergeant, I (Sgt. [REDACTED]) conducted an interview with Inmate [REDACTED], in regards to the allegations made by Inmate [REDACTED] to the PLO that excessive force was used against him by LAC Facility 'D' Correctional staff on August 7, 2019. At the time that the allegation occurred on August 7, 2019, Inmate [REDACTED] was housed on LAC Facility 'D', Housing Unit D-3. [REDACTED] was interviewed in the LAC Facility 'C' Program Office. Inmate [REDACTED] stated that he remembered the incident and that he remembers Inmate [REDACTED] as the two were friends while housed at LAC. [REDACTED] stated that he viewed the incident from the Inmate Porter Janitorial station next to the Lower B-Section shower.

[REDACTED] stated that prior to the incident, he had volunteered to wash the bed sheets of Inmate [REDACTED] in the Porters station. [REDACTED] stated that he would wash [REDACTED] sheets if they were soiled as he [REDACTED] was physically unable to wash his own sheets. [REDACTED] stated that as he was washing the sheets, he heard Inmate [REDACTED] yelling to be "let go". [REDACTED] stated that he then looked out from the Porter station as his view was blocked by the wall, at which time he was ordered by staff to go sit on the B-Section stairwell nearest to the C-Section cells. [REDACTED] stated that as he sat on the stairwell, he observed Officer [REDACTED] lift [REDACTED] wheelchair from the back forcing him [REDACTED] to fall to the ground. [REDACTED] stated that he then observed Officer [REDACTED] place his knee on the middle of [REDACTED] back and place him into handcuffs. [REDACTED] stated that responding staff then placed [REDACTED] into a wheelchair while applying a spit mask as he was screaming in pain and subsequently wheeled him out of the Housing Unit. [REDACTED] had nothing further to add to the interview.

June 17, 2020

Inquiry into allegations of staff misconduct by Inmate [REDACTED]

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Investigators Note: Although [REDACTED] alleges that he witnessed the incident, his view was partially blocked by the B-Section stairwell. It is my opinion that [REDACTED], based on his own admission, did not have a clear and constant view of the incident and that his account of the incident is partially inaccurate to the facts of the incident report. [REDACTED] also failed to mention that [REDACTED] stood up from his wheelchair and struck Officer [REDACTED] with a bag of soiled diapers causing physical force to be utilized. Additionally, [REDACTED] stated that he is friends with [REDACTED] which can lead to a biased interpretation of the facts of the incident in order to benefit [REDACTED] allegation against Officer [REDACTED]

Attempted Interview with Inmate [REDACTED] (PAROLE):

On June 8, 2020, while assigned as California State Prison-Los Angeles County (LAC) Special Assignment Sergeant, I (Sgt. [REDACTED]) attempted to conduct an interview with Inmate [REDACTED], in regards to the allegations made by Inmate [REDACTED] to the PLO that excessive force was used against him by LAC Facility 'D' Correctional staff on August 7, 2019. At the time that the allegation occurred on August 7, 2019, Inmate [REDACTED] was housed on LAC Facility 'D', Housing Unit D-3, [REDACTED]. The PLO identified [REDACTED] as a witness to the allegation and recommended he be interviewed as part of this inquiry. During a review of the Strategic Offenders Management System (SOMS), I discovered that [REDACTED] paroled from LAC Facility 'C' on November 24, 2019 to Sacramento Metro Parole Unit 2.

Investigators Note: Although, [REDACTED] is on active Parole, I attempted to conduct a telephonic interview through his assigned Parole Agent. I then discovered that [REDACTED] absconded his parole on November 25, 2019, and is a Parolee at Large (PAL) at this time. As a result, I was unable to facilitate an interview of [REDACTED] as requested by the PLO.

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June 17, 2020

Inquiry into allegations of staff misconduct by Inmate [REDACTED]

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Document Review:**Electronic Records Management System (ERMS) review:**

On May 20, 2020, I conducted an Electronic Records Management System (ERMS) file review of Inmate [REDACTED] case factors. Specifically, I discovered that Inmate [REDACTED] did file an Inmate Appeal (602) on February 25, 2020, alleging that excessive force occurred against him by Correctional Officers on Facility 'D' on August 7, 2019. The appeal is identified by Log# LAC-X-20-01070. **(Attachment 2)**

***Investigators Note:** Additionally, on May 20, 2020, I contacted the California State Prison-Los Angeles County (LAC) Inmate Appeals Office to inquire about any appeals submitted by [REDACTED]. During this contact, LAC Appeals Coordinator M. Fordham confirmed that [REDACTED] submitted a staff complaint appeal in regards to this allegation. During the review, I discovered that the appeal submitted by [REDACTED] was cancelled pursuant to the California Code of Regulations (CCR) Title 15 Section 3084.6 (c) (4). Specifically, [REDACTED] exceeded time constraints as the incident occurred on August 7, 2019 and the appeal was received by Kern Valley State Prison (KVSP) Appeals Office on February 18, 2020.*

Incident Log# LAC-D03-19-08-0705, Battery on a Peace Officer (Attachment 3):

On August 7, 2019, at approximately 1138 hours, at the California State Prison-Los Angeles County (LAC) Facility 'D' Enhanced Outpatient Program (EOP), Housing Unit D-3, Inmate [REDACTED], exited the Lower B-Section shower and walked to the front of his assigned cell [REDACTED]. Once at the cell front, [REDACTED] sat down on his wheelchair. [REDACTED] then became verbally confrontational with Correctional Officer J. [REDACTED] and stated **"What the fuck are you looking at bitch? You need to do your fucking job."** Officer [REDACTED] instructed the Control Booth Officer to open Cell 123 and subsequently ordered [REDACTED] enter his cell. [REDACTED] refused to enter his assigned cell at which time Officer [REDACTED] approached [REDACTED]. As Officer [REDACTED] approached [REDACTED], [REDACTED] grabbed a plastic bag from inside of the cell which contained soiled adult disposable diapers and then threw that bag at Officer [REDACTED] striking him in the face.

Officer [REDACTED] activated his Personal Alarm Device (PAD) and ordered [REDACTED] to get down on the ground in order to be placed into handcuffs. [REDACTED] refused to comply and took a fighting stance requiring Officer [REDACTED] to utilize physical force in an attempt to subdue the attack. Once on the ground, Officer [REDACTED] placed [REDACTED] in handcuffs. Officer [REDACTED], who responded to the incident, reported that [REDACTED] stated to Correctional staff, **"Fuck you motherfuckers, I know people that live in Lancaster, you better be careful."** Once in handcuffs, [REDACTED] was escorted to the Facility 'D' Program Services where Medical staff performed a 7219 Medical evaluation on [REDACTED]. During the course of the escort, Officer [REDACTED] reported that [REDACTED] was rocking his body in an attempt to get out of the wheelchair.

June 17, 2020

Inquiry into allegations of staff misconduct by Inmate [REDACTED]

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[REDACTED] behavior required the application of a spit hood as he was yelling obscenities at the escorting staff. [REDACTED] was subsequently housed in the LAC Administrative Segregation Unit (ASU-1) [REDACTED] without further incident. Inmate [REDACTED] received an RVR for Battery on a Peace Officer as a result of this incident.

CDCR 7219 Medical Report of Injury (Attachment 4):

During this inquiry, I discovered a CDCR 7219 dated August 7, 2019, authored by Psychiatric Technician (PT) J. Galeano which notes that Inmate [REDACTED] was examined for any injuries associated with incident LAC-D03-19-08-0705. The 7219 notes that [REDACTED] had an abrasion/scratch on his left hand. When asked to give a brief statement as to the circumstances of the injury or unusual occurrence, [REDACTED] replied ***"The Officer refused to give me my catheter,"*** to PT J. Galeano.

CDCR 7219 Medical Report of Injury (Attachment 5):

During this inquiry, I discovered a CDCR 7219 dated August 7, 2019, authored by Psychiatric Technician (PT) N. Griffith which notes that Correctional Officer [REDACTED] was examined for any injuries associated with incident LAC-D03-19-08-0705. The 7219 notes that Officer J. Williams had no noted injuries. When asked to give a brief statement as to the circumstances of the injury or unusual occurrence, Correctional Officer [REDACTED] replied, ***"He threw a bag of disposable diapers at me"***, to PT N. Griffith.

Rules Violation Report (RVR) relevant to LAC-D03-19-12-1095 (Attachment 6):

1. RVR Log# 6888385, dated August 7, 2019, Battery on a Peace Officer, by Inmate [REDACTED] relevant to Incident Log# LAC-D03-19-08-0705. [REDACTED] found guilty as charged during the course of the RVR hearing.

Rules Violation Report (RVR) relevant to LAC-CPG-18-06-0514 (Attachment 7):

1. RVR Log# 5196258, dated June 20, 2018, Battery on a Peace Officer by Inmate [REDACTED] relevant to Incident Log# LAC-CPG-18-06-0514. On June 20, 2018, at approximately 0750 hours, while at the Facility 'C' Medical window, [REDACTED] initiated an argument with medical staff in regards to his medication prescription. [REDACTED] then stated to Custody staff that he was going to go "man down" because he felt that he was not receiving his correct medication. [REDACTED] then suddenly ran towards Correctional staff and punched Correctional Officer [REDACTED] in the face requiring the use of physical force to subdue the attack. [REDACTED] was found guilty as charged during the course of the RVR hearing.

Investigators Note: Although this incident is unrelated to the allegation made by [REDACTED] to the PLO, this incident shows a pattern by [REDACTED] of aggressive/assaultive behavior towards Correctional and Medical staff when he is dissatisfied with his medical treatment.

June 17, 2020

Inquiry into allegations of staff misconduct by Inmate [REDACTED]

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Rules Violation Report (RVR) 3005 (b) (1) Disobeying an Order (Attachment 8):

1. RVR Log# 4932629, dated April 27, 2018, for Disobeying an Order by Inmate [REDACTED]. On April 27, 2018, at approximately 0650 hours, while at Wasco State Prison (WSP) Facility 'B' Medical window, [REDACTED] initiated an argument with a Licensed Vocational Nurse (LVN) regarding his medication prescription being incorrect. [REDACTED] then stated to the LVN, **"Fuck You, this is not the first time they do this."** After this statement, [REDACTED] laid down on the ground in front of the Medical window and yelled "man down" multiple times. [REDACTED] subsequently refused his medication four (4) times causing a fifteen (15) minute delay in the institutional pill pass. The charge on [REDACTED] was reduced to counseling during the RVR hearing.

Investigators Note: Although this incident is unrelated to the allegation made by [REDACTED] to the PLO, this incident again shows a pattern by [REDACTED] of aggressive/assaultive behavior towards Correctional and Medical staff when he is dissatisfied with his medical treatment. This initial verbal behavior by Inmate [REDACTED] eventually escalated to assaultive behavior once housed at LAC.

Institutional Executive Review Committee (IERC) Use of Force review relevant to LAC-D03-19-08-0705 (Attachment 9):

On June 3, 2020, I conducted a review on the LAC Institutional Executive Review Committee (IERC) Use of Force review relevant to LAC-D03-19-08-0705.

1. During the review of CDCR 3010 dated August 7, 2019, it was determined that staff's actions were appropriate and were in compliance with Departmental Use of Force policy. Additionally, it was determined that force was reasonable and necessary to stop the threat, effect custody, subdue an attacker and stop ongoing physical harm to Officer [REDACTED].
2. During the review of CDCR 3011 dated August 12, 2019, it was determined that staff's actions prior, during and after the incident were in compliance with Departmental Use of Force policy.
3. During the review of CDCR 3012 dated August 13, 2019, it was determined that staff's actions prior, during and after the incident were in compliance with Departmental Use of Force policy.
4. During the review of CDCR 3035 dated August 21, 2019, it was determined that staff's actions prior, during and after the incident were in compliance with Departmental Use of Force policy.

June 17, 2020

Inquiry into allegations of staff misconduct by Inmate [REDACTED]

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CONCLUSION:

Based on the information obtained during this inquiry which included an interview with Inmate [REDACTED], an interview with Inmate [REDACTED] a review of the PLO interview of Inmate [REDACTED] a review of incident Log# LAC-D03-19-08-0705, a review of the Institutional Executive Review Committee (IERC) Use of Force review as well as all associated case factors, I have concluded that the allegations of excessive force and staff misconduct relevant to allegations #193, #194 and #195 have no merit and should be closed as Not-Sustained. This conclusion is based on the lack of corroborating witnesses and supporting evidence which contradict [REDACTED] allegations. On August 7, 2019, Inmate [REDACTED] became agitated and began yelling obscenities at Correctional Officer [REDACTED] from outside of his cell door after taking a shower. Officer [REDACTED] instructed the Control Booth Officer to open the cell door of [REDACTED] and then ordered [REDACTED] to enter his cell to which he refused. Officer [REDACTED] approached [REDACTED] at which time [REDACTED] grabbed a bag of soiled adult diapers and subsequently threw the bag at Officer [REDACTED] striking him in the face. [REDACTED] then suddenly stood up from his wheelchair and took a fighting stance. The actions of [REDACTED] required Officer [REDACTED] to utilize physical force in order to effect custody and subdue the attack.

Inmates [REDACTED] appear to have partially corroborated their allegations amongst themselves in order to submit the allegation to the PLO that Officer [REDACTED] initiated the incident by lifting up the back of the wheelchair of [REDACTED] and dumping him on the ground. Inmates [REDACTED] versions of the incident drastically vary from the reported use of force during the incident. Inmate [REDACTED] stated that [REDACTED] was refused a shower and then assaulted by Officer [REDACTED] who lifted the back of his wheelchair forcing [REDACTED] to fall to the ground. Inmate [REDACTED] stated that he was afforded a shower but denied cleaning products to clean his cell which lead to Officer [REDACTED] lifting the back of his wheelchair causing his to fall to the ground. Inmate [REDACTED] stated that Officer [REDACTED] rubbed a bag of soiled diapers in the face of [REDACTED] once he fell to the ground. Neither [REDACTED] stated that Officer [REDACTED] rubbed a bag of soiled diapers in the face of [REDACTED] during the incident. A review of the Incident Package completely contradicts the statements of [REDACTED] and [REDACTED] in regards to the use of force by Officer [REDACTED]

A review of the 7219 dated August 7, 2019, indicated that [REDACTED] had only a scratch on his left hand as a result of the incident. This injury is inconsistent with the claims of [REDACTED] that he was lifted up from his wheelchair and slammed to the ground leaving him physically unable to walk. During a thorough review by the California State Prison-Los Angeles County (LAC) Institutional Executive Review Committee (IERC) Use of Force Committee, the force utilized by staff to subdue an attacker and effect custody was deemed appropriate and in compliance with departmental policy. No evidence was obtained during this inquiry to support the claims of Excessive/Unnecessary force made by [REDACTED]. Based on totality of the circumstances, the preponderance of evidence and the information reviewed during this inquiry, I find that the allegations and incident described herein lacks cause for further investigation.

June 17, 2020

Inquiry into allegations of staff misconduct by Inmate [REDACTED]

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RECOMMENDATION:

I recommend closure at this level of review based on my conclusion that the allegations and incident described herein lacks cause for further investigation and is **Not Sustained** at this time.

This concludes the Investigative Services Unit (ISU) interest in this matter; however, if additional information creates new probable cause, additional inquiries may be initiated.

This report is being submitted for your information and disposition. Should you have any questions or concerns please contact extension 5141.



California State Prison – Los Angeles County

Please Check Box

☒ Concur with ISU Recommendation	☐ Disagree with ISU Recommendation
☐ Request Additional Information	☐ Prepare CDCR 989
Comments:	

R.C. JOHNSON

Warden

California State Prison – Los Angeles County

DATE